

Hawaiian Gazette

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HONOLULU, H. T., FRIDAY, JULY 12, 1901.—SEMI-WEEKLY.

WHOLE No. 2297

TO FIGHT INCOME TAX

Three Law Firms to
Engage in the
Assault.

ROBERTSON & WILDER FOR DEFENDANT

Merchants' Association is Advised
That the Dickey Law is
Unconstitutional.

The consensus of opinion of the three law firms engaged by the Merchants' Association as to the Income Tax, is, that it is unconstitutional. The firms who rendered opinions to the Association today were Hatch & Gillman, Smith & Lewis, and Kinney, Ballou & McClatchan. These opinions were read this afternoon at a joint meeting of the special committee of the Chamber of Commerce with the Directors of the Merchants' Association.

PRESIDENT FRED. W. MACFARLANE OF THE MERCHANTS' ASSOCIATION.

The opening gun fired by the Merchants' Association at the Income Tax law, the product of the First Legislature of the Territory of Hawaii, has made a bull's-eye. Three opinions from representative legal firms of Honolulu were submitted yesterday to the Merchants' Association and the special committee appointed by the Chamber of Commerce at its meeting on Wednesday, in which all three agree that the Income Tax law, as passed by the Legislature is unconstitutional.

At a meeting held yesterday afternoon in the office of F. W. Macfarlane in the Jude Building, the opinions were read and discussed. They were lengthy and exhaustive documents. It was agreed that the law was faulty drawn and it was also stated that it would not stand a test in the court.

It was decided that a test case be brought at once in order to get the matter, as soon as possible, to the attention of the Supreme Court. The three legal firms will hold a conference at an early date and decide upon the manner in which the case will be managed. The Merchants' Association and the Chamber of Commerce have placed this matter in the hands of the attorneys entirely.

The attorneys also stated to the meeting that their advice to all merchants in the city and elsewhere, and all persons interested is that the blanks now being circulated by the Tax Assessor, be filled out and the returns made to the assessor, "under protest."

Treasurer Wright said yesterday that he hoped that any contest of the tax law that was to be made, might come at once. With an immediate conclusion of the case, should it be decided against the law, the Treasurer could do away with the services of the extra men now in the employ of the assessor, who are used on the Income Tax matters. As the Attorney General is very busily engaged with other matters just now, the Treasurer has retained A. G. M. Robertson to prepare all the papers for the Income Tax, the forms now being used having been drawn by him. Should the case come to trial the defense will be conducted by Robertson & Wilder.

Capt. Paul Smith Commanded.

Captain Paul Smith, a former military man of the Territory of Hawaii, has been recommended for promotion by Major James F. Case of the Fortieth Infantry of the United States. The news of his excellent service is embodied in a letter to Governor Dole. The letter reads as follows:

Governor S. B. Dole.
My Dear Sir: I take this method of communicating to you my high appreciation of the services of Captain Paul Smith of our regiment.

He has been attached to my battalion the better part of the last year and the remarkably good record is due in great measure to his excellent work.

Neither yourself nor the most worthy citizen of Honolulu have cause to regret your representation in the United States Volunteer Army. Very respectfully,

JAMES F. CASE,
Major, Fortieth U. S. Infantry.

New Hotel Opening.

Mrs. H. L. Herbert, wife of the well-known local cricketer, who has just opened the Lanikai Hotel and restaurant on King street, marked the formal launching of her enterprise by an informal "at home" last evening, at which a number of friends of the Herberts were present.

"IT AIN'T ME, IT'S DR. JORDAN."



HON. WILLIAM C. WILDER DIED EARLY LAST EVENING

The Funeral Will Take Place at the Family Residence This Afternoon
at Three.



THE LATE WM. C. WILDER.

Wm. C. Wilder, the eminent citizen, overcome by the long strain of watching whose life practically went out Tuesday evening at her husband's bedside, was obliged when the stroke of apoplexy fell, passed to retire to an adjoining room, where she was attended by members of a comatose state until the last of her family and a physician. At the end and died peacefully. A sketch of his time of his death Mr. Wilder was surrounded by his entire family and near relatives with the exception of his son, John A. McCandless.

During the afternoon Mrs. Wilder, Judge Gardner K. Wilder, who is ex-

POSTOFFICE WILL SOON BE OPEN FOR NIGHT DELIVERY

Authority From Washington to Employ Men
For New Service—A Boon to the
People of Honolulu.

Chief Clerk Kenake of the postoffice has perfected arrangements and secured the necessary authority from Washington to keep the postoffice open night and day. A force of three men is being instructed in the duties of handling the mails so that they can look after all arrivals from 6 p. m. until 6 a. m.

This arrangement will prove a boon to residents of Honolulu, as they will be able to call for their mail at any time of the night, register a letter for the Mainland or for the other islands, and buy a money order for the same destination. The department is now awaiting the arrival of iron grill work with which the present general delivery window will be shielded. This will be on the style of grill work seen in banks. There will be two windows with a small hand aperture in each. These windows will be labelled "A to L" and "M to Z." Letters addressed to persons whose names begin with letters from A to L inclusive will call at the first window, and those whose names begin with letters from M to Z inclusive will present themselves at the second window.

It is now planned to have two men on duty in the postoffice from 6 p. m. when the day force quits work, until midnight, and one man from midnight until 6 a. m. when the day force again appears. Only the general delivery window will be open. It is not anticipated that there will be a rush of Japanese, Chinese or Hawaiian residents on the postoffice after nightfall, and the charge is, in fact, mainly intended to supply the wants of the white population which cannot find time from various occupations to go to the postoffice during the day.

Mr. Kenake, in speaking of the new system, said to an Advertiser reporter:

"There will be three men on the night force. Just how they will be divided off is a question yet to be decided, but it is possible two will remain on half

the night while one will take the lone pie notice."

pected to arrive from Hawaii this morning on the Mauna Loa.

The funeral will take place this afternoon at 3 o'clock from the family residence on Pensacola street. Rev. George L. Pearson of the Methodist Church officiating. The pall-bearers will be W. F. Allen, H. P. Baldwin, S. B. Rose, John Onderkirk, A. S. Hartwell and John A. McCandless.

The Hon. Wm. Chauncy Wilder was

watch. This is done to handle any mail that comes in late, or after the day force is supposed to quit its work. It will be a good thing for the office. For instance, a steamer is going out at 9 a. m. The night force can make up the mail that comes in, and when the mail is ready to be closed, every letter will have been prepared to go out. As it is, under such circumstances, we

have to get some of the clerks out at an unearthly hour of the morning to come down here to handle the overnight collection, and that bungles up the working hours of the day force. In this way they will make up mail both for the Islands and for the Coast and keep everything right up to date, or, strictly speaking, right up to the hour.

"I have had this plan in mind for the past six months and have been lucky enough to get authority from Washington for putting the new method in vogue.

"One can appreciate how much this new system will affect the laboring men. For instance, a mail comes in from the Coast in the afternoon. At 6 o'clock the delivery window closes. The laboring man who finishes his work at

Waikiki or some other far-away place

at 5 o'clock catches his car, goes home,

cleans up, has his dinner, and then

wants to get his mail. This he has not

been able to do. If he wants his mail

in the morning he has got to get out

an hour or two earlier. Those who are

employed down town can run over to

the postoffice any time and get their

mail. Another thing which will benefit

laboring classes: On Saturday nights

if one wants to get a money order and

register his letter to be sent to the

Mainland he can do so. Under the

present system he has little opportunity

to do this in the day-time. We are

giving two hours a day more to keep

the office than under the Republic,

but the advantage is slight to these

men.

"When the night system is to be in-

augurated, we will give the public an-

notice."

was born in Canada in 1835 of Ameri-

can parents, during their temporary

residence across the Ilna. His early

recollections, however, were of New

York, his parents having returned

while William was yet an infant, and

taken up their residence in that State.

When nine years of age he moved with

his parents, in 1844, to Geneva, Ill. Here

he was passed his youth and early man-

WANT CASH
IN THE BANK

Chinese Consul is
Opposing Any
Transfer.

FUND FOR RETURNS
MUST BE INTACT

Immigration Bureau Holdings
Unproductive—Need Ready
Money.

Formal protest has been entered by the Chinese Consul to the transfer of the \$221,000 of the Immigration Trust fund from the First National Bank to the Territorial Treasury. The representative of the Orientals now in the Islands takes the position that the fund is the property of the Chinese who contributed to it, and that any transfer of it to the Treasury of the Territory, where it might be used as necessity demands, would be endangering the interests of the people whom he is here to protect. The protest has been sent not only to the officials who had the fund in charge, but also to the bank.

This may mean that there will be a contest over the possession of this fund. The moneys held in the immigration fund reached the First National Bank after the liquidation of the Postal Savings Bank, where such sums as were collected had been deposited according to the law. The money represented in the total was collected from the Chinese laborers for the purpose of providing a fund from which they might pay their way to their homes and of their terms of contract labor. These sums of money were placed in the savings bank in the name of Wray Taylor, then Commissioner of Immigration, and received interest at the regular rate; the principal being held by the Government, as was all other money on deposit in the savings bank, the entire amount of the deposit being guaranteed by the bonds of the bank.

Since the liquidation this money has been in the bank and the Territory has neither been receiving interest on it nor had the use of any part of it, although there is no danger of a call for the whole amount at any time, and at present there is very little demand upon the fund, as the number of returning Chinese is small. That there will be a large proportion of the amount which will be called for is anticipated by some of those who have been in connection with the affairs of the Bureau of Immigration in the past. The Treasury, when the cash comes into its hands, would not be called upon to meet demands for any large amounts at one time, and in the meantime would have the use of funds which are not productive and in lieu of which the Treasury may have to pay interest for cash to tide over the period until taxes begin to come in. The text of the protest which was directed to Mr. Taylor, as secretary of the Bureau of Immigration, and which was turned over to the acting Governor, is as follows:

As the representative of the Empire of China and in behalf of the Chinese subjects in the Territory of Hawaii who contributed to the Immigration Trust fund and who alone are entitled to withdraw or receive the same, I beg to protest against any diversion of said fund for the use of the current expenses of the Territory or any other purpose. It is my duty to take steps in the proper courts and elsewhere, which I will do to protect the interests of the Chinese contributing to this fund. Pending such proceedings I beg to file with you this protest against interference with said moneys.

To this communication Mr. Cooper replied:

Your letter addressed to Wray Taylor, ex-secretary of the Bureau of Immigration, was referred to me. I have to say that you must have been misinformed that the money was to be used for the current expenses of the Territory. The money will be held by the Territorial Government and will be paid over to the Chinese laborers on their return to their native land.

The Chinese Consul, it is said, has forwarded the details of the entire transaction to Minister Wu Ting Fong at Washington.

Water for Plantation.

Negotiations have been made with Gay and Robinson by the Hawaiian Sugar Company which will result in the waters of Makaweli stream being brought to the plantation. This will give them more than twice the supply they have now, which is derived at present from the Hanapepe stream. By this addition to their resources the plantation will increase its yield very materially. The cost of the new water supply will be something in the neighborhood of \$25,000. When work on this ditch will begin is not known definitely, even by the directors of the plantation. The preliminary work will begin this morning.

Reports from Kahuku are that the scarcity of labor is such that one plantation contemplates closing down for that reason alone, and that others may follow this lead.

JALARIES ARE FIXED

Conferees Decide Upon All the Figures.

MOST CHANGES ARE TO HIGHER RATES

Changing Garbage Collections to the Public Works Department.

House bill No. 2, fixing salaries and pay rolls for the biennial period, was agreed to yesterday in Conference Committee, ordered typewritten, and a committee of three named to look after its enrollment. In addition the consideration of bill No. 3, providing for current expenses of the Government, was taken up and some progress made with it.

The completion of the consideration of the salaries bill was not accomplished without the display of the hand of the Home Rulers, for more than once there was a remark thrown into their midst from the Republican side, referring to the evident plan of raising all appropriations to such figures that a call for an extra session to provide for revenue would be inevitable, and all that was drawn by these jeers was a placid smile. Even John Emmeluth referred to the openness of the work of his fellow party men, but there was never a word of back talk. The scheme was understood, and once when on a reconsideration of some small item the amount was raised rather sharply, both Emmeluth and Monsarrat remarked that it seemed to be time to quit and make the bill up on the basis of the highest figures.

There were more than a few clever little passages during the day, but no strenuous fights except upon the unpaid plague bills. As usual, every time there was a reconsideration or a contest of any kind, the outcome was the acceptance of the higher rate of pay. One of the most exhilarating episodes was the crossing of swords by Paris and White, when the question was the raising of the rate of pay of the deputy sheriff of South Kohala. White said he favored the amendment for the reason that Waimea was the Texas of Hawaii, where cowboys carried lives in their back pockets. Paris replied at once that it was no worse than Lahaina if the report of the Grand Jury was to be taken as a guide to opinion, and the laugh went around at the expense of the Maui man. There was another laugh when the question of the plumbers' inspectors came up and both Emmeluth and White asked that the matador go over until the afternoon session.

The putting through of the salaries bill was due in some measure to the fact that in the body of that bill there had been put in nothing about the military, those items being under the current expense portion of the appropriations. Emmeluth insisted that there could be done nothing of this kind, as there was no mention of the military in the bill, and that had there been anything of the kind it was probable that no conference would have been given by the House. A few minutes later when the Independents put into the expense bill the provision for the proposed Board of Health boat for the service to Molokai, they were met with the laughing retort from Monsarrat that he would vote for the military, as it seemed the intention to load up the bill and there should be no discrimination shown. Senator White had tried to put in the army salary items under that head, so there should be something of a battle today when the Conference Committee tries to complete its work.

Compromise seemed to be the rule, for there were several instances where the pay of heads of departments was placed at a figure close to the top but shading it a few hundred. This was true in the case of the Commissioner of Agriculture, who will receive \$1,800, and the Surveyor, whose stipend will be \$5,000. When the Board of Health was up there was an attempt to make the executive officer also the purchasing agent, but Emmeluth came to the rescue and said the officer was too hard-worked and could not do the business. So there was created a new place, the salary being put at \$1,400. The physicians were placed for most part at the lower figures adopted by the House, though there were a few exceptions. Honolulu got two doctors. The Senate carried its plan for the bacteriologist and the inspectors, and Hile was given an inspector as well.

The radical change of the day came in the placing of the garbage and excavator service under the Road Department instead of the Board of Health. This was done on the score of economy of administration, as there are now three separate heads keeping live stock.

Herr Berger was given an increase of salary to \$5,600 for the period and with the change that the bill was to take effect July 1st the consideration of it closed.

Although it was then 3 o'clock the expense bill was taken up. The House won its figures as to the expenses of the office of the Secretary, except that the cost of the election was put at \$15,000 instead of \$12,000. Throughout the expenses of the Judiciary Department there was shown a disposition to give the full amount which may be necessary, as the money will not be used un-

less there arises a need for it. The item for the police alarm system was inserted at \$20,000 and the incidental account will be kept within \$30,000.

Under the Public Works Department the wharves and landings throughout the Islands were fairly well treated, but when Honolulu was reached \$10,000 was cut off the original figure, \$50,000. The sum of \$12,000 was given for parks and the bill was left after several private road claims had been passed.

When the Conference Committee adjourned at 4:30 o'clock it was to meet again at 9 o'clock this morning. This will mean a short session, as the Houses meet at 10 o'clock.

Mahukona Celebrates With Sports.

MAHUKONA, July 6.—Beginning with a salute of thirteen guns at 8 o'clock when the flag was raised, the Fourth of July celebration here was of the rousing kind. The sports of the day began at 9 o'clock. The following was the programme:

Sailing race, Captains Hukal, Wahine Perry, Prize, 4 Sweaters. Rowing Race, Captains Ali, Luko, Kahal, Prize, 3 shirts. Boys' Swimming, 1st, prize, hat; 2nd prize, shirt. Men's Swimming, 1st, prize, watch; 2nd, prize, tie. Greased Pole, prize, \$3 in quarters. Tug of War, prize, box of cigars. Plank Race, 1st, prize, shirt; 2nd, prize, tie. Water polo, prize, 4 caps. Judges: Mr. Smithies, Mr. Irish, Mr. Luko. At noon there was a luau at which the toast to the flag was heartily responded to by the natives. E. A. Frazer, presided. In the evening there were fireworks.

CIVIL SERVICE ANNOUNCEMENT

Two Days Will Be Given to Grilling in Oc- tober.

The local board of civil service examiners has elected A. B. Ingalls, of the customs service, permanent secretary. Mr. Ingalls has his office in the gaugers' division of the custom house, where he will receive all applications of those who would take the examinations. The next examinations will be those held October 19th and 26th, 1901. Applications to take the examinations may be made to Mr. Ingalls at his office up to September 12th. The local boards are always made up of five members, but as yet there are only four members here. The reason for this is that the fifth member of the board always is the letter carrier member. This is done for the reason that Congress has provided for the payment of a substitute for the letter carrier while he is on such service, something that has not been done in any other department. This gives to each board one member who is not detained by other work from doing all that is necessary for the proper carrying out of the examinations. The positions for which examinations will next be held here are:

OCTOBER 19. Acting assistant surgeon; aid, Coast and Geodetic Survey; assistant examiner, Patent Office; assistant topographer; bookkeeper; civil and electrical engineer; copyist topographic draftsman; farmer; fish culturist; hospital steward; industrial teacher; meat inspector; junior civil engineer; manual training teacher; matron, Indian service; mechanical and electrical engineer; register and receiver's clerk; seamstress; superintendent of construction; surveyor general's clerk; teacher, all kinds, Indian service; topographic draftsman; trained nurse.

OCTOBER 26. Appraiser; bookbinder; book typewriter; clerk qualified as stenographer and typewriter; Land Office service; compositor; electrolyper, all kinds; elevator conductor, departmental service; guard, U. S. penitentiary service; messenger; messenger-boy; press feeder; pressman; stenographer; stenographer and typewriter; stereotypist; tagger; type-writer; watchman.

CUPID DRAWS A LONG BOW

Last evening, at the residence of Mr. Arthur B. Wood, on Nuuanu avenue, Mr. H. M. Siemons and Miss Laura E. Burdick, both of this city, were made husband and wife by the Rev. T. L. Pearson. Promptly at 8 o'clock, the wedding party entered the spacious parlor, which had been artistically decorated in ferns and white carnations, and took their places under a large mow of white ribbon. After a few remarks, appropriate to the occasion, the mystic words were spoken that bound the two young people in the solemn obligations of matrimony. After the ceremony refreshments were served.

The bride comes of a well known family in southern Michigan. Her father is a banker and wool merchant in that portion of the State, and is interested in several large business enterprises. Mr. Siemons is a civil engineer in the employ of W. A. Wall of this city. He is a Stanford man, and while a student in that university, was a prominent figure socially, because of his superior musical attainments. During his entire college career, he was one of the glee club soloists. His father is a real estate and mining broker in Butte, Montana. Mr. and Mrs. Siemons will spend their honeymoon on the peninsula, after which they will return to this city which is to be their future home.

The engagement and the incidents that led up to the engagement of the young people are romantic. Mr. Siemons came to the Islands some months ago to accept a position under the government as a surveyor. He was sent to Kona, and there met the young lady who last evening was made his wife. Their acquaintance rapidly ripened into love, and Mrs. Siemons, who was here with an infant brother, returned to the States some two months ago, but not to remain. As soon as she could perfect her plans, she returned to the Islands, arriving here on the last steamer. In the past four months, Mrs. Siemons has traveled something like fifteen thousand miles, in order that she might see her infant brother safely home, and return to the Islands once more.

During their residence in Honolulu, the young people have made many friends, who wish them a bright and prosperous future.

Cuts and bruises are healed by Chamberlain's Pain Balm in about one-third the time any other treatment would require because of its antiseptic qualities which cause the parts to heal without maturation. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., general agents, H. L.

FINANCIAL MISFIT WILL BE NEARLY A FULL MILLION

Territorial Treasurer Wright Analyses the Present Situation and Finds But Little Comfort in It.

With the opening of the biennial fiscal period and the near approach of the time when the taxes will be turned into the Treasury of the Territory, the prospects of the year are being canvassed thoroughly by the men in the office of the Treasurer. Mr. Wright himself has burned the midnight electric bulb on more than one evening trying to get at the key to the puzzle of how to pay a bill for two dollars with only a dollar and a half in hand, which will about represent the state of things which will obtain next year. To him there seems no sunshine in the prospect at all. That there is any way of escape other than through an extra session for the purpose of passing a loan bill, he cannot see, and he is always ready to urge the necessity for such action. When the subject of the probable difficulties of the Treasury Department was brought up yesterday, Treasurer Wright said:

"Putting the matter in the best possible light, in my opinion the income tax receipts must be depended upon to pull through the Department in the next year. This conclusion is reached by the consideration of the figures which now appear to summarize the prospective receipts and expenditures for the first year of the fiscal period. The tax collections which will come in between November 1st and December 15th, will amount to something like \$850,000. This would make a fair balance upon which to commence the year but unfortunately there will be a big hole cut into that to cover the back debts. By the time the cash is available to pay there will be in the neighborhood of \$250,000 of registered warrants outstanding. These of course must be paid to stop the interest. To this sum must be added something like \$75,000 for the payment of interest and other incidental expenses, and to complete the total of the 'dead horse' charges, at least \$100,000 must be set aside for the payments on unexpired contracts and for such necessary outlay.

"That means that out of the \$850,000 of taxes which I expect will be turned in before the close of the year, one-half will be taken in the meeting of old accounts. That would leave the Treasury balance then at some \$25,000. There will be more than that amount for the year's expenses, however, for the average monthly collections from the various sources, such as land sales, the license taxes, leases and other offices which produce revenue to the Government, is \$70,000. That would give, then, in the year which must elapse before the 1902 taxes are available an additional sum of \$840,000 which would give to the Treasury, to carry through the Government for the year 1902 until the tax period comes again, \$1,265,000.

"How far this would go may be seen when one comes to consider the expenditures which must be made in that period. Though the salaries bill has not been completed it would be a fair estimate to put the monthly list at \$85,000. Then the current expense list would be about the same amount, which would mean that the monthly expenditures would reach \$170,000. For the ten months to be covered before the new collections would be available, the total on these two accounts would be \$1,700,000. This you will see leaves nothing for the improvements account or for public works of any nature whatsoever. Yet there is a half million, in round numbers, of a shortage there. This, too, when we have had a saving of some \$300,000 in our interest account. I will confess that I can see no way out of the fix if the income tax cannot be collected."

Officials of the Government who see in the rapid agreement of the Conference Committee an Appropriation bill within a short time, and who are convinced that there can be no extra session, are casting about in their own minds for a remedy for the condition of affairs. One of these said yesterday: "There must be much of the current expense appropriation which is left unspent. For instance, I should say even if the Legislature does authorize a steamer for the Board of Health, the money should not be spent. The same way in the Public Works Department. Much of the road work in all probability will be allowed to lie without being touched. I can see no other way to hope to get through. Of course, there will be kicking done, but the only reply that a head of department could make in that case would be, 'Well, there is no money to pay. You get me someone to do the work and depend on the next Legislature for the money, and I will authorize it.' Discrimination in making the expenditures may put the period through with not more than a few hundred thousands of registered warrants."

THE QUESTION OF DRAWBACKS

An Important Decision of Treasury Department Affecting Honolulu.

Treasury Department, June 12, 1901.

Sir: The Department is in receipt of your letter of January 14 last, relative to the application of John D. Gueck & Son, requesting liquidation of drawback entries Nos. 2383 and 3170, covering certain floor plates shipped to Honolulu.

The shipments were made under time-entries and official supervision. Entry No. 2383 covered 664 iron floor plates for exportation ex ship Challenger, which vessel officially cleared from your port on April 14, 1900, and the landing certificate filed states that the merchandise was landed in Honolulu "between September 1 and 25, 1900." Entry No. 3170 covered 29 iron plates entered for exportation ex Southern Pacific Railroad Company, via San Francisco, to Honolulu. This entry was filed April 19, 1900, and the certificate of inspection issued by the collector of customs at San Francisco shows that the merchandise was shipped May 26, 1900.

The knowledge of contemporary French history must be very limited to the minds of the writer of the above entry. The shipments were made under time-entries and official supervision. Entry No. 2383 covered 664 iron floor plates for exportation ex ship Challenger, which vessel officially cleared from your port on April 14, 1900, and the landing certificate filed states that the merchandise was landed in Honolulu "between September 1 and 25, 1900." Entry No. 3170 covered 29 iron plates entered for exportation ex Southern Pacific Railroad Company, via San Francisco, to Honolulu. This entry was filed April 19, 1900, and the certificate of inspection issued by the collector of customs at San Francisco shows that the merchandise was shipped May 26, 1900.

It appears that the merchandise covered by each entry was shipped from the United States before June 14, 1900, the date of the taking effect of the Territorial Act of April 30, 1900, and the applicants, therefore, claim that drawback should be allowed at your port notwithstanding the fact that the merchandise arrived at Honolulu after June 14, 1900, and would, in the event of such allowance, be subjected under the provisions of section 483 of the act of July 24, 1897, to a duty equal to the drawback paid on the entry of the merchandise at Honolulu.

In this regard, I have to advise you that the whole question is disposed of adversely to the contention of the applicants, by the decision recently handed down by the Supreme Court of the United States in the case of Crossman vs. United States, wherein it was held,

following De Lima vs. Bidwell, that the Hawaiian Islands ceased to be a foreign country within the meaning of the tariff laws, under the provisions of the joint resolution annexing the Hawaiian Islands to the United States, approved July 7, 1898 (30 U. S. Stat. L. 750-1).

No drawback can, therefore, be allowed in this case. You will be governed accordingly in this and similar cases. Respectfully,

O. L. SPAULDING,
Acting Secretary.
Collector of Customs, New York.

W. L. Meredith, ex-chief of police of Seattle, was killed by John W. Conidine, after the former had attempted his assassination. The men were once partners, but lately were sworn enemies. Conidine had Meredith put out of office. Meredith was the son of the chief of the bureau of engraving and printing at Washington, D. C.

FRANCE WANTS TO KEEP THEM

Australia Not Likely to Get the Islands of Kerguelen.

Editor Advertiser: Much prominence has been given by the San Francisco newspapers to a telegram from Australia, stating that the Federal Government had decided to ask Mr. Chamberlain, the Secretary of State for the Colonies, to buy the Kerguelen Islands "annexed by France in 1893."

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In this regard, I have to advise you that the whole question is disposed of adversely to the contention of the applicants, by the decision recently handed down by the Supreme Court of the United States in the case of Crossman vs. United States, wherein it was held,

following De Lima vs. Bidwell, that the Hawaiian Islands ceased to be a foreign country within the meaning of the tariff laws, under the provisions of the joint resolution annexing the Hawaiian Islands to the United States, approved July 7, 1898 (30 U. S. Stat. L. 750-1).

No drawback can, therefore, be allowed in this case. You will be governed accordingly in this and similar cases. Respectfully,

O. L. SPAULDING,
Acting Secretary.
Collector of Customs, New York.

W. L. Meredith, ex-chief of police of Seattle, was killed by John W. Conidine, after the former had attempted his assassination. The men were once partners, but lately were sworn enemies. Conidine had Meredith put out of office. Meredith was the son of the chief of the bureau of engraving and printing at Washington, D. C.

A number of good harbors plentifully supplied with fresh water are to be found on the Kerguelen Islands. Their nickname of Desolation Islands (which originated in the brain of Captain Cook) notwithstanding, their wealth in animals and minerals is sufficient to insure the living of their population. The climate is very healthy, having been favorably compared with the climate of the English channel Islands.

Leaving aside the commercial worth of the Islands (which is considerable, as they possess coal and petroleum in quantity), the situation and isolation of the Kerguelen group is such as to render them priceless in case of a naval war closed the Suez canal, as then their transformation into a coal and provision station would give them a considerable national importance.

JEAN E. SABATE.

Honolulu, July 8, 1901.

HIGH PRAISE FOR THESE ISLANDS

Australian Shipbuilder Says America Has Got an Enviable Prize.

Edward Rich, president of the largest ship building concern in Australia—Edward Rich & Co., Ltd.—was here yesterday from Sydney, N. S. W. On his way to the United States he stopped off at Honolulu for several days.

"The United States was very fortunate in securing the Hawaiian Islands and the other powers very unfortunate," said Mr. Rich. "They afford not only an invaluable coaling station but are in themselves immensely rich in natural products. Honolulu is destined to be a great capital. Its population will increase from 100 to 200 per cent within the next decade beyond a doubt. But everything sold there is fearfully high, so high as to be prohibitive to the laboring man. The day we steamed out of the harbor there were nine men of war in the harbor coaling up. Two were English, three German, one Italian, two French and one Japanese."

TO TEST THE INCOME TAX

Business Men Take Steps Against New Law.

WILL OBTAIN LEGAL OPINIONS

Join Issues With Merchants' Association—To Assist Weedon in Advertising Hawaii.

Moved. That it is the sense of this meeting that the constitutionality of the Income Tax law be tested.

Motion made by C. W. Macfarlane, seconded by P. Muhendorf, at the regular monthly meeting of the Chamber of Commerce yesterday morning, which was passed unanimously.

The Chamber of Commerce will join issues with the Merchants' Association of this city in testing the constitutionality of the Income Tax law passed by the First Territorial Legislature. The expense of obtaining an opinion upon the subject from three of the representative legal firms of Honolulu will be borne jointly by the two organizations. If the opinions suggest the unconstitutionality of the act, a test in the Circuit Court will at once be made and carried to the Supreme Court.

Energetic action was the watchword at yesterday's meeting of the Chamber of Commerce. That the subject was one which has made a deep impression upon the merchants was evidenced by the large representation. The meeting was presided over by W. F. Allen, with James G. Spencer as secretary. The members present were F. J. Lowrey, E. Faxon Bishop, J. F. Humburg, C. M. Cooke, F. M. Swanzey, C. Bolte, F. A. Schaefer, Henry Waterhouse, Bruce Cartwright, A. J. Campbell, Paul Muhendorf, C. N. Wight, M. Phillips, Geo. R. Carter, J. B. Atherton, J. M. McChesney, Clarence W. Macfarlane, J. G. Rothwell, A. V. Gear.

The discussion upon the Income Tax law was spirited and the consensus of opinion was that the members are against the law because it imposes a tax upon their property already taxed by other methods. Henry Waterhouse was for immediate action. He was of the opinion that if there was any doubt as to the constitutionality of the law, then the Chamber of Commerce should take immediate action in the courts to test it and decide the matter once and for all. Other members spoke in a similar strain and the climax was capped when C. W. Macfarlane introduced his motion to have the Chamber of Commerce as a body bring the matter before the courts at the earliest possible date.

J. B. Atherton was the first to speak upon the question. He said the matter was under discussion by one or two other organizations. An opinion would undoubtedly be given by several legal firms upon its constitutionality at an early date.

Henry Waterhouse: "I don't propose to have my property doubly taxed. If the issue is to come let us meet it right now instead of waiting for future developments. If it is unconstitutional, let us have the law stricken out." Some thing was said as to the case being an issue between the Income Tax law and an extra session.

George R. Carter: "As to an extra session of the Legislature, which has been spoken of lately, that is being fostered by the legislators. Everything is being done to cause a call for an extra session, as they believe it will be necessary in order that the Government pay its expenses. I don't believe that the majority have taken into consideration the Audit act which authorizes warrants to be issued. The revenues have not been increased except by the Income tax. The shortage in the Government finances can be met by the issuance of warrants. That method is used in every town, city, county and State in the Union to tide over the time from the receipt of taxes until they come in again. I would rather have seen the Government borrow the money to meet the current expenses. I think the question of the special session will be brought up again, anyhow, whether we test the Income tax or not."

Mr. Carter inquired whether an opinion as to the constitutionality of the act was being obtained. President Allen stated that the Merchants' Association was already looking after that. Mr. Carter suggested that the Chamber of Commerce join issues with the Merchants' Association in the matter. Mr. Rothwell suggested that a committee be appointed to confer with the Merchants' Committee, with power to act. He thought that if the issue was to come it ought to be met right away. He thought that of the greater evil it should be decided whether it was the Income tax or the extra session. Mr. Rothwell's suggestion was put into the form of a motion and seconded by Mr. Muhendorf. He added that the Chamber of Commerce was also too important a body to play second fiddle and should assist in such a momentous matter as that under discussion.

Mr. McChesney did not think it worth while to join issues with any other organization.

Mr. Rothwell's motion, however, was passed unanimously, and the committee named as follows: President Allen, Secretary Spencer and J. B. Atherton, the top of the list.

George R. Carter suggested that an injunction be gotten out before the returns are sent in, although he suggested it would be wise not to defer matters until the 200 per cent penalty could be added.

C. W. Macfarlane said he agreed in toto with Henry Waterhouse. "I move," said he, "that it is the sense of this meeting that we test the constitutionality of the Income Tax law." Seconded by Mr. Muhendorf.

Mr. Carter said he had looked into the matter of the Income tax and personally he thought it was a fair way to help the Government out of a financial muddle. The law as now passed by the Legislature was thought by those who had charge of it to be constitutional. He was in favor of a tax of 3% of 1 per cent when the matter was being discussed in the Legislature. In that case the merchants would not have been hit hard but every one would have contributed a small amount to defray the Government's expenses. That, however, did not meet with approval. The ordinary income of the Government was \$2,200,000 a year. The Legislature was to frame an Appropriation bill to meet that, but they had got off their trolleys and the appropriations would be nearer \$4,000,000 than \$2,200,000. He said that if the Government officials would use their best judgment in the expenditure of the amounts placed to their separate departments and give up many contemplated improvements they would come along all right.

Mr. Macfarlane's motion then carried without a dissenting vote.

President Allen stated he had received a letter from W. C. Weedon, who is now East. Mr. Weedon's plan was to go to Buffalo to lecture on the Islands and exhibit stereopticon pictures of Island scenes. He had joined Gorham D. Gilman, formerly Hawaiian Consul at Boston, and together they had made up 500 stereopticon slides of Island views. The writer stated that Mr. Gilman was an excellent lecturer and he would be willing to go to Buffalo and other large places if his expenses of traveling between Boston and Buffalo were paid. Mr. Weedon suggested that his own expenses between Buffalo and Cleveland be paid, and nothing would be asked for their services.

Henry Waterhouse said it would be a fine opportunity for the Chamber of Commerce to recognize what Mr. Gilman has already done and is willing to do to advertise Hawaii. He thought that \$250 would cover the expenses entirely. The main idea was to secure the moral support of the Chamber of Commerce, while the members and others interested could chip in. Many other members concurred in Mr. Waterhouse's views. President Allen said that Mr. Weedon could be depended upon to advertise the country's best interests.

Mr. Lowrey suggested raising the money by an assessment instead of passing around a subscription list. This was carried. Mr. Lowrey then moved to make the monthly dues \$5 instead of \$1. This was lowered to \$3 and passed, the amount to be collected quarterly.

A report from Messrs. Wight and Lowrey upon the Diamond Head signal station was read in which the committee stated they had waited on the Superintendent of Public Works to have "Diamond Head Charley" reinstated as watchman. They also stated that a flagpole would soon be erected there, the Chamber of Commerce to supply the code book and flags. This will amount to about \$30.

A communication from Mr. Hemphill of the South Carolina Exposition Company, asking that the Chamber of Commerce name a "Hawaiian Day" at the fair, was considered and the Secretary instructed to reply that nothing has been decided upon yet as to whether Hawaii will be represented at the Exposition. Mr. Bishop suggested that it was within the province of the Governor to name the "Hawaiian Day" if one is to be had.

The question of finding new quarters was brought up. As the old Stock Exchange rooms, which the Chamber met yesterday, are slightly too warm, it was thought best to seek rooms elsewhere. Some suggested were too near the street, the noise from which would interfere with the meetings. Rooms may be made available in the new McIntyre block. The Stock Exchange rooms in the Stangenwald block are not now available to the Chamber of Commerce. A committee consisting of the president, Mr. Bishop and Mr. Carter was appointed to look up a new location and report at the next meeting.

TELLS OF CIVIL SERVICE.

Examiner Serven Gives the Teachers History of This Branch.

When the Normal School met in the Fort street building yesterday morning, the feature of the session was the address of A. Ralph Serven, chief examiner for the Civil Service of the United States. Mr. Serven held the attention of his hearers, all of them engaged in educational work, and therefore interested in the plans for the verification of their results upon the youth. He began by saying that there are now in the competitive civil service between 90,000 and 100,000 persons drawing salaries for each year of about \$10,000,000.

It will hereafter be the privilege of the Hawaiian to have the same chance for a position in this service as any one on the Mainland. Mr. Serven showed that as the appointing officer must choose from the three highest on any list and as there are fourteen branches in which applicants may seek appointment, three refusals being permitted in each, in reality there were forty-two chances for place.

The history of civil service was followed. The growth of it since the time of Grant and the impetus about the time of the death of President Garfield, which has borne the direct result that now every branch of the service has its share of the public servants chosen by merit.

Statistics had shown that 80 per cent of the employees of the Government had received their appointments through merit in the examinations before the commissions, while only 20 per cent had been employed through political, social and other paths. This went to show that the surest way into the Government service was through this channel. The speaker urged upon the teachers to instruct their pupils that they might fit themselves for some branch of the service, and that they might successfully pass the examinations and get at the top of the list.

OLD WHALING INDUSTRY

Fish Expert Making a Study of It.

RAILROAD KILLED THE BUSINESS

How Advent of Whalers Injured the Hawaiian Race, Morally and Physically.

Mr. Cobb, who is connected with the fish commission now making a study of the fish of the Hawaiian Islands, has been, during the past few weeks, prosecuting a study of the whaling industry and its relation to the Hawaiian Islands. His researches, which at the present time are necessarily fragmentary, and disconnected, are very interesting. In speaking of the subject last night, Mr. Cobb said:

"The whaling industry was one of the oldest commercial enterprises with which the name of these Islands is associated. Early in the last century, vessels from the north put in here for supplies and to store their cargo. Even in the latter part of the eighteenth century the Islands were recognized as a haven for the whalers. During the days when the catching of whales was at its height, Honolulu and Hilo were about equally divided commercially, and Lahaina outstripped both of them. The harbor of Honolulu at that time was literally a forest of masts. One could walk from one end of the harbor to the other by stepping from deck to deck. It is estimated that, in a good season, the vessels spent hundreds of thousands of dollars here. All the old business houses in this city owe the foundation of their fortunes to this enterprise. When the railroad was built across the American continent the whaling industry which had been failing for many years, received its death blow. Previous to that time, oil had been shipped around the Horn, but with the introduction of the Central Pacific road into the commercial world, this was changed, and the product was shipped to New Bedford by rail. In the year 1874 there was a large number of vessels crushed in the ice. This put a summary end to the failing industry.

"The gradual decline of whaling was not noticed by the people of the Islands, as sugar was a growing enterprise, and the money that had been invested in whaling was now put in the product of the cane.

"The Hawaiians made excellent whalers. Often the entire crew, with the exception of the officers, would be made up of kanakas. The money they obtained in this way did them little good, however, for the influence of the sailors upon the natives was anything but beneficial.

"The whalers who were among the first to introduce those vices that unfortunately accompany European civilization, wherever it goes. The advent of the whalers did more, probably, than anything else, to decimate the population of the Hawaiian Islands. They spread disease and vice on every hand."

Mr. Cobb will make investigations in San Francisco, New York and Washington upon his return, which will be in about six weeks or two months.

MURDERED IN KAU.

Japanese Laborer Found Dead in a Cane Field.

When the laborers of Hutchinson Plantation were going to work on Tuesday morning, they came across the body of a Japanese in a cane field within a stone's throw of the sugar mill. The man was battered beyond recognition but a search of his clothing revealed papers which led to his identification.

The murdered man was known as Yoshida and had been engaged working on the mauka roads. He came to Naelu on Monday and drew \$50 and started for his home about five o'clock in the afternoon. He was not seen again until his body was found as stated. From evidence found it is believed the man was beaten to death with sticks of cane and as he was not known to have any enemies, robbery was clearly the motive for the crime. His pockets were rifled and the money known to have been in his possession when he left Naelu was gone. Wednesday morning friends from his home came over to ascertain what had become of him. There is no clue to the murderers.—Hilo Herald.

Tantalus Trolley Line.

As the policy of the Government is to open all Government lands to settlement, there is now under discussion the opening of a trolley road from the end of the Pacific Heights electric line to the top of the Tantalus road. A preliminary survey of the line has been made. This extends along Paaoa valley until it can cross to the Tantalus ridge, which is followed until the carriage road is touched; after which that road is used to the top. There has been no proposition made on either side as yet, though the Bishop and Coney estates, which own property there, are willing to pay a bonus for the road.

OFFER TO REFUND THE MONEY.

Many thousands have been restored to health and happiness by the use of Chamberlain's Cough Remedy. If af-

flicted with any throat or lung trouble, give it a trial, for it is certain to prove beneficial. Coughs that have resisted all other treatment for years, have yielded to this remedy and perfect health been restored. Cases that seemed hopeless, that the climate of famous health resorts had failed to benefit, have been permanently cured by its use. Bear in mind that every bottle is warranted, and if it does not prove beneficial, the money will be refunded to you. For sale by all dealers and druggists. Benson, Smith & Co., general agents, H. I.

Many Income Tax Returns.

Returns for the income tax are coming to Assessor Pratt with rapidity. He said yesterday that he had most of the returns from men with large incomes in the city. The assessor believes that in the absence of citizens during the month of July those holding power of attorney should make return, and in other cases the time may be extended. This would mean that the extra penalty would not be imposed. As to the liability of persons who have been in Honolulu only part of the year, the assessor has decided that if they have earned more than \$500 they are required to make the return. The returns are treated with the greatest secrecy in the office and no one will see them unless an order of court makes them public documents.

FORTUNE'S PHASES

THE UPS AND DOWNS IN THE LIFE OF A CLERK.

A Tale of Misfortune and Misery With a Happy Ending—The World Seemed All Very Dark for a While.

A clerk's life, ordinarily, is a very humdrum one with but little variety to the daily routine. But Mr. Fred. R. Morton, of No. 80 Vesper street, Portland, Me., had an experience recently which has made his life now a very happy one. In telling a reporter of what he went through, he said:

"I had been suffering with stomach trouble for about two years. Every day about 10 o'clock in the morning and 3 o'clock in the afternoon I became faint and felt so bad that if I did not sit down I would fall. That sensation usually lasted for about an hour, and when noon came I had no appetite for lunch. I saw Dr. Williams' Pink Pills for Pale People advertised in the daily papers about a year ago and decided to try them. I felt relief from the first box and after I had taken six boxes my disease was cured. I do not take them now but always keep them in the house. I have told my friends what these pills have done for me and should I know of any one's being sick as I was I should surely recommend Dr. Williams' Pink Pills for Pale People."

Mr. Morton's statement was published in the Portland Express, after he had sworn to it before Marshall H. Perrington, notary public.

The most effective remedy in the world in case of this kind is Dr. Williams' Pink Pills for Pale People. They act directly on the blood and nerves. This makes them invaluable not only for stomach trouble but also for such diseases as locomotor ataxia, partial paralysis, St. Vitus' dance, sciatica, neuralgia, rheumatism, nervous headache, the after-effects of the grip, palpitation of the heart, pale and sallow complexions, and all forms of weakness either in male or female. Dr. Williams' Pink Pills for Pale People are sold by all dealers, or will be sent postpaid on receipt of price, fifty cents a box, or six boxes for two dollars and fifty cents (they are never sold in bulk or by the hundred) by addressing Dr. Williams' Medicine Co., Schenectady, N. Y.

Next Mail From Coast.

There will not be another regular mail from the Coast until Monday, the 15th instant. The Occidental and Oriental steamship Doric is scheduled to arrive here from San Francisco on next Tuesday. The probabilities are that she will make port on Monday afternoon. She will bring ten days' later mail and newspaper files.

Striking machinists raided the shops of the Southern Railroad at Columbia, S. C., and took out twenty non-union men. In the row four union men were shot.

ABSOLUTELY CLEAN AND SANITARY

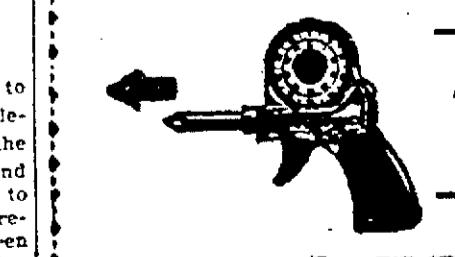
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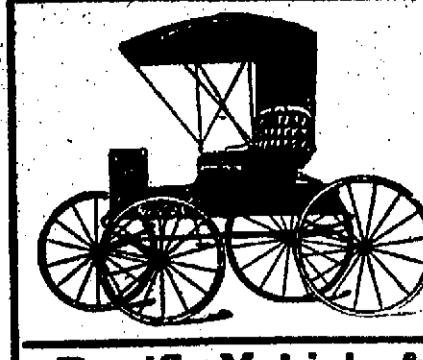


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FRIDAY : : : : : JULY 12

Stock in the Johnstone Annexation Literary Bureau, Ltd., organized here to boom county annexation and capitalized by the court, is not listed on the exchange but we feel authorized in saying that it is quoted at one beer check asked and no bidders.

The House has passed a strong resolution against the scheme to annex which now lies on the Senate's table. The Senate ought to lift the resolution at once and make it concurrent. To be sure, the plot is defeated already, but the Legislature should make it clear to all outsiders where Hawaii stands and where it proposes to stay.

Chinese wash bills, erstwhile \$1, are now \$2.50 and so on up in proportion. Cheap John wants to be a capitalist and so is making a fine opening for Japanese to go into the trade on an equitable basis and get control of it. Competition like that would soon put prices where they belong and relieve housekeepers of an uncomfortable burden.

Delegate Wilcox is reported to have said that the reason why no Hawaiian boy can pass the West Point examination is "the inferiority of Island schools." As usual, Delegate Wilcox is talking through his feathered Italian hat. Let him open the cadetship to general schoolboy competition here. In the American way, and a Hawaiian cadet will take his place in the ranks. The trouble Wilcox has is not with the schools but with the favorites he tries to foist upon the National Academy. West Point is not Turin.

There are several things that go to make a shrewd politician but all of them are absent from a man who thinks he can sell the Hawaiians out and keep his influence over them; who believes he can get California to take them in spite of themselves with 30,000 Chinese, \$6,000 Japanese and 1,100 lepers thrown in; and who begins his work for California acceptance by insulting one of the greatest newspapers there. For such a man to be called a politician is to violently misuse a good word. The place for him in politics is in front of some postoffice with his tongue out for people to wet postage stamps on.

Humphreys has an easy way of denying any statement that hurts him and he does not hesitate, on occasion, to lie glibly from the bench. His latest denial affects the veracity of the San Francisco Chronicle, whose staff representative went with him from Honolulu to San Francisco and doubtless reported precisely what he said. Seeing the story in cold type got on Humphreys' nerves and his first thought was to deny it. But a denial in face of his reputation for falsehood, of the reputation of the Chronicle for veracity and of the circumstantial and other evidence against him in regard to the annexation scheme, counts for nothing. We shall probably hear something more under this head when the Chronicle learns that the disgraced and repudiated Judge is trying to save his own worthless neck at the expense of the Chronicle's good name.

BUNCO POLITICS.

The systematic attempts to prejudice Federal officers on their arrival here against the party which carried on the fight for annexation during long and strenuous years would make, if written, a volume of absorbing interest. The moment these strangers step off the ship they are welcomed and surrounded by men who oppose it fiercest in the days when it stood for all the Americanism these Islands had. In the case of the most distinguished Federal guest, watches were set on him which the propagandists manned and relieved. When one of them had to go another appeared and all tried to instill him with the idea that, as soon as Mr. Dole and his friends had succeeded, with infinite pains and peril, in getting Americanism into these Islands, they turned about and did their best to keep Americans out.

Enlisted in this diverting intrigue are nearly all the old Royalists who fought annexation step by step with a stubbornness and courage worthy of a better cause. Their work upon the Federal strangers is mainly social, and their stereotyped argument against the Dole party is that they are "not American." Heaven save the mark! When a few hundred of us were about the streets of Honolulu by day wearing the red, white and blue button of the Annexation Club or the American League, and were sleeping on our arms at night lest the Royalists should raise the banner of revolt, these very men were conspiring for the Queen. They cursed Americanism then; they use it now to impeach the patriotism of those who bore such curses with equanimity and never let go of the American idea until Hawaii came back under the flag which Blount, a former Federal office-holder, had hauled down.

It is a pity that any man fit to hold Uncle Sam's commission should let himself be hounded in this way almost before he learns that Hawaii is no longer called "the Sandwich Islands." As men of sense our friends the office-holders should know that Royalists and carpet-baggers make poor witnesses against the annexation party, to the final success of which they themselves owe the opportunity they enjoy to hold high place and draw good pay in this tropic capital.

THE RED RAG TO LABOR.

Capital has lost more by an ostentatious display of its wealth than it ever gained in enjoyment of ample means. The contrast which the French noble brought about in the latter part of the eighteenth century between opulence and want had more to do with the French revolution than any other one factor in the working out of that catastrophe. It was not so much hunger and rage and squalor which turned the common people into ravening wolves as it was the sight of pampered aristocrats, clad in bravery of silk and purple, parading their vanities of wealth. When the fated Queen of France asked with charming naïveté why, if the people could not get bread, they did not eat cake, she showed how little her bright world recked of the dark world beyond it. So the fine play went on. Monsieur led Madame to the table where the dainties were spread on the lawn and as they ate and drank starving men and women peered through the palings; and when evening came the gallants on horseback and the high-born dames in their Sedan chairs, a retinue brilliant with gems and fluttering with laces, threaded the foul streets of Paris, leaving the odor of patchouli to reconcile the ragged wayfarers to their lot. "After me, the deluge," said the King, and His Majesty was right. It came. The poor seized the firebrand and the pike and the rich and high-born exchanged the ostentation of a court progress for the sad procession of the carts rumbling towards the guillotine.

Things are not so badly off in the world today—far from it!—as they were a little more than a hundred years ago in France. There is a wider area of comfort and intelligence, a better opportunity in life, a duller instinct of social revolution. But after all human nature is the same. Greed and envy still sway the multitudes; ostentatious wealth is still an offence to those who toil hard for little sustenance. What reprisal it brings depend on temperament, on the defences of society, on the spirit of the age and on the width of divergence in the social classes—but the reprisals always come.

What old Californian does not recall the Colton letters in which that farsighted man of affairs, the late C. P. Huntington, rebuked, in scathing language, not always chaste, the building of great houses on Nob Hill by the nouveau riche of the railroad and the mines. His pet antipathy was Stanford, whose palace, so imperial and overbearing, looked down upon the humbler dwellings of the poor. It was not Stanford's fault nor Crocker's that the mob which mounted the hill one day from the sandlots, hoarsely challenging the millionaires, did not leave that cresting manor a bare knoll covered with ashes and broken stone. Had timber pinched a little harder; had Denis Kearney not been venal, a tragedy might have happened there which would have appalled the land.

So far as Huntington was concerned, he always avoided display. His Nob Hill house was the least pretentious there; and he refused for years to live in the New York palace which his wife, in her efforts to enter society, insisted on having built. The writer well remembers getting an indignant letter from the old magnate, asking one San Francisco paper to correct the statement of another, that he had bought a \$1,500 carpet. "I never paid more than \$150 for a carpet in my life," wrote the man of multi-millions. Far be it from him to rouse the sleeping devil in the proletariat.

The latest bad effect from ostentation in the matter of money is the strike epidemic on the Mainland. The strike in the iron and steel industry came directly after the formation of the billion-dollar trust and the appearance of Mr. Carnegie in the role of a Croesus, able to give vast iron-made fortunes away on every hand without impairing his reserve or crippling his prestige as a financier. We have heard much of the Carnegie benefactions, of the thirty young millionaire partners of the great man and of Skibo castle. The atmosphere of millions and multi-millions is the only one through which the name of Carnegie can be described. The lowest estimate of this one man's fortune, made in iron and steel, is ten times that of the late A. T. Stewart's. All this is very interesting to the curious public; but to the \$2-per-day laborer in the iron mines, to the man sweating at the furnace for just enough to keep his family alive and under a roof, the thought comes that there has been a very unequal division of the profits he has helped to create. The philosophy is bad; the economic ploy cannot hold water; but the laborer believes that he has been wronged. The circus procession of wealth which Carnegie has delighted in has stirred the grimy toller to revolt. He wants to ride, if not in one of those gilded chariots, at least in a modest equipage of his own. So the strike comes on and where it will end no man can say. Fortunately it will end in time. What if there were five millions of idle men to rise and declare that the day has come to abolish the plutocracy?

That day may yet be reached in America, and the flaring magnificence of the rich will be the means, perhaps, of imparting to the crisis a more serious hue than any this country has ever had to see before. Patriots have much to dread in another era of industrial depression; but unless the vulgar and prodigal display and boast of millions succumbs to the growth of prudence and good taste, who shall say that the caramagnole may not yet sound in the streets of great American cities while beneath those surging thoroughfares one may hear the black angels laugh?

THE PROOFS ACCUMULATING.

The attempt to foist upon Dr. David Starr Jordan the onus of the conspiracy to annex Hawaii to California has come to grief at the hands of the very men who made it. It was on Tuesday, June 18, that the Republican's interview with Dr. Jordan appeared, and on June 22 that the Doleites started from here with the news. Yet on that very day at far-away Washington, the special correspondent of the Republican, "E. S. L.", not only knew all about the conspiracy but, as per instructions, was writing the Washington end of it. Observe this:

WASHINGTON, June 21.—The annexation of Hawaii to the State of California as Congressional District seems to be under fairly serious consideration among the government officials here. It has been thought of for more than a year past.

THE INCOME TAX.

and the constant bickering among the political forces in Hawaii have again forced the matter upon the attention of the officials. Something, they feel sure, must be done at some time in the near future to bring Hawaii within the range of a political arrangement that will bring her down to business and prevent upheavals every little while. So the question of making Hawaii a part of the State of California, giving her one member of Congress, and giving her county and municipal government with local self rule, is brought out.

"E. S. L." is the only correspondent in the whole Washington corps who "knows" anything of the kind. No other correspondent has discovered the important piece of news which, apparently, is made out of whole cloth along with the "land suit," "Dole removal" and "Cooper reprimand." That it was manufactured under orders from here is very plain; but the point we want to make is that "E. S. L." could have known nothing of the Jordan interview and therefore must have acted under some other inspiration. He is an employee of Humphreys and the latter arrived in San Francisco on June 23, having just time to send orders to "E. S. L." who wrote from Washington—unless, indeed, his alleged letter was written here or on the Coast—two days after the Jordan interview appeared.

Thus the evidences of the conspiracy multiply. We notice that the Bulletin now says that the article with which it heralded the scheme of annexation and which it headlined in no disapproving way, was handed to it by a correspondent? What correspondent? The regular correspondents here are engaged in no annexation propaganda. Was not the writer of the correspondence which no Mainland paper has published, so far as we can find out—the distinguished brother-in-law of Judge Humphreys, head, middlings and tail of the Annexation Literary Bureau Ltd.?

STATE OF FINANCES.

There could be no better exposition of the financial status quo than is afforded in the statement of Treasurer Wright. With the best information obtainable he can see only that there will be need of extreme economy, and even then that there will be a deficit as to income when the period ends. It is probable that during the closing days of the second Legislature of the Territory it will be called upon to make a special appropriation for the payment of back warrants which will reach a half-million of dollars.

In the face of these conditions there has been no attempt on the part of the Conference Committee to scale down salaries or expense items but on the contrary the plan openly shown is to make the bill as large as possible so that there may be a howl go up for the calling together of the legislators that they may have another two months' picnic in the capital of the Territory.

That the assumption that the only way to meet the crisis is by an extra session will have weight with the Governor may be questioned. To some minds there will appear no reason why the legislators should be given another chance to do what they have proven very conclusively they will not do—work. There cannot be drawn a picture of the needs of the Islands that will be too strong, but at the same time there has always opened a way out of the difficulty. One of the ways which will reduce the deficit largely is that suggested that the heads of department shall not use the money appropriated unless it is for a contract which is sent to some particular man who knows that he must wait for the cash. This would mean that the negligence of the Home Rulers at the beginning of the session when vote of want or confidence looked more statesmanlike than the passage of a loan or taxation measure, had brought the Territory to the place for which they ticketed it. What with bad roads, unimproved landings and crowded schoolhouses, the people would see that there was much to be wished, which could not be secured from an independent Legislature.

In cold figures the Treasurer shows where, without the income tax returns, there may be expected a deficit for the period of close to a million. While this could not have been wiped out entirely by any kind of cheapsaving it could have been reduced materially without serious detriment to the public service. That there was made no serious attempt to work economies is on a par with the holding back of a bill at the opening of this extra session until something could be heard from Beckley and his attempt to have President Dole put out of office. The harvest is in sight, for the sowing was the wind and the whirlwind will sweep some of the many would-be leaders into well-earned obscurity.

INCOME TAX INEQUALITIES.

It is the fashion to say that the income tax, however burdensome, has the merit of being fair. There is something to command this view; yet when a man who can just make strap and buckle meet on a salary income of \$2,000 finds a tax of two per cent laid on half that amount, while his rich neighbor is able to deduct from his taxable income the sums derived from certain bonds, also the necessary expenses of carrying on his business, dividends and the like, the element of fairness does not appeal to him. It is possible for a rich man, under the Dickey law, to regulate his investments so that the income tax will hardly touch him. But the man who is taxed on his salary gets no exemptions save on the \$1,000 income, which applies to all alike.

In brief the tax falls much more heavily upon the salaried man than upon the one with an independent income, and to that extent is far from being fair. The one class has exemptions easy to acquire; the other class has none—not even the looming presence of over-due debts. The poorer man must pay in full; the richer man can get off, under schedule B of the income tax return, through a variety of loopholes. A dishonest man could twist schedule B into means of almost total escape. We should like to see Boss Croker at work on the proposition; the chances are he would get the tax office in debt to him.

From the way the Coast press, so far as heard from, is laughing down the annexation scheme, the chances are that it will never be heard from again—unless, maybe, it is revived as a plan to join Hawaii with Arizona.

THE INCOME TAX.

The general desire to get rid of the income tax is not so much that a man may evade his share of the expense of carrying on the Government; it is that he wants to keep his private business to himself. Few men guard any secret so carefully as that of their incomes. It is of the most intimate and personal concern. Some what may they want no eyes but theirs, unless it be those of a confidential attorney, to see the figures which represent their ability to meet their obligations, which fix their credit and show the extent to which they have made good use of their opportunities. It seems like one of the inalienable privileges of a free government to keep one's financial secrets secure from prying official eyes.

But now comes the tax gatherer with an X-ray to reach the hidden mystery of the private strong box. He asks questions which no man must answer truly or take the evil consequences. The victim must swear to a statement showing his gains, profits and income for a year past. He must list his interest account; he must transcribe his profits on real estate; his dividends on corporation stocks must be set down, likewise his premiums on bonds, notes and coupons; he must testify to his returns from sales of movable property, his salary, fees or other compensation for services; all gains, profits and income from any source. There can be no secrets in the safe after such a declaration has been made. His knowledge of his private business affairs becomes a matter of public record.

To be sure the tax gatherer will not let Tom, Dick and Harry inspect the returns, but he and his Tom, Dick and Harry clerks must see them. They will say nothing, of course, and in that respect excel the probity of the Grand Juries which gave out the news of coming indictments from day to day. But papers no more than persons can be kept sacred from exposure in court if they are needed to further the ends of justice. The divorce courts would attract them as the magnet attracts iron filings; in the execution of judgments in probate cases, in a hundred legal proceedings the returns could be demanded and they would become, when produced, a part of records which could be reached by the public and the press.

On these accounts mainly the effort to make out a constitutional case against the Dickey law attracts general sympathy. The effort has already brought able lawyers into the field and a test case, well argued and resolutely pushed, may be looked for soon. In the meanwhile every one must file his returns under heavy penalty for neglect, recovering them in case of a judgment against the legality of the tax.

GONE ASTRAIT.

How of the wireless message
Which loses its airy way,
Or dodges the operator,
Or otherwise goes astray?
Where and how long will it wander—
Seeking its goal in vain?
Will a day, or a year, or an aeon
See it safe home again?
Last week this news from Hilo,
Was flashed to Oahu Isle—
The Makis took the ball game
And McCluskey won the mile;
By some strange misadventure—
The news by the boat came down,
The wireless slipped a trolley
And the message missed the town.
A bird must have struck that message,
As it crossed its line of flight,
And the message lost its bearings.
With no landmark in sight;
Oh! 'tis sad to think of its anguish.
Alone in those ether seas,
With never a soul for company
But the lost of the Pleiades.
O'er the earth and o'er all the oceans,
Mayhap it will find its way,
Till caught in a wireless word-trap.
Ten centuries from today;
Then the wise of the world will gather.
To run the mystery down,
Of the mile that was won by McCluskey,
And the ball game in Hilo town.
H. M. AYRES.

The Kinsu for Hilo.

The Territorial Band played Wilder's steamer Kinsu off for Hilo and way ports yesterday at noon. A great many people departed on the popular boat, and they very much appreciated the music.

A movement has been started to have the band play at the departure of the more important of the Island boats. Although no conclusion has yet been reached, the matter is being discussed by Acting Governor Cooper and Professor Berger.

The idea is to have the band play at four of the Island steamers, two of Wilder's Company and two of the Inter-Island. The Kinsu and the Clarendon, at noon and 5 o'clock on Tuesdays, and the Mauna Loa and the W. G. Hall are the vessels planned for.

The playing off of the Kinsu yesterday was a compliment to the Kinsu in remembrance of the royal treatment enjoyed by the members of the band on that vessel on the recent trip to and return from the races at Hilo.

The following people departed on the Kinsu yesterday: C. G. Spencer, R. S. Orlivie, Mrs. F. Waterhouse, Mrs. Danford, Hon. W. B. Wallin and wife, Miss Mary Crewe, Miss J. T. Tabor, Clive Davie and wife, J. C. Ridgeway, W. Booth, A. F. Judd and wife, J. T. Lessson, E. A. Knudson and servant, W. H. Rock, E. J. Hardee, W. H. Mixer, Aileen Nott, Miss C. E. Bragg, Mrs. C. Brown, Miss L. Horner, Miss J. Naihawa, T. Aoki, L. Cheong, J. Cummings, E. R. Stackpole, Miss Julia Dias, Miss Bendixen, Mrs. A. C. Steele, Master E. Kaohi, Hon. J. B. Kaohi, David Koch, Miss C. Mahika, Miss L. Mahika, Kame Koolau, E. R. Turner and wife, Miss Ellen Kalawehi, Miss Nawahi, Rev. S. Oiwa, Mrs. Gough, Miss A. Perry, J. H. Van Gleason and wife, A. L. Thompson, E. B. Z. Barblett and wife, Miss R. Richardson, Miss K. Cornwall, Master C. Ahrens, Miss E. Kaohi, Mrs. E. Naauao, Miss J. C. Carlson, S. M. Ballou and wife, Mrs. W. T. Paty, Miss M. E. Paty, Master W. W. Paty, Charles Simpson, Dr. William Peters and wife, Mrs. Barlowitz, Miss J. Quinn and Miss A. Quinn.

Scrofula

This root of many evils—Glandular tumors, abscesses, pimples and other cutaneous eruptions, sore ears, inflamed eyelids, rickets, dyspepsia, catarrh, readiness to catch cold and inability to get rid of it easily, paleness, nervousness and other ailments including the consumptive tendency—

Can be completely and permanently removed, no matter how young or old the sufferer.

Hood's Sarsaparilla was given the daughter of Silas Vernon, Wauwaring, N. Y., who had broken out with scrofula over all her face and head. The first bottle helped her and when she had taken six the sores were all healed and her face was smooth. He writes that she has never shown any sign of the scrofula returning.

WILDER'S STEAMSHIP COMPANY.—Freight and passengers for all Island ports.

CALIFORNIA IRON WORKS CO.—Machinery of every description made to order.

CONsolidated Soda Works CO., Ltd.—Esplanade, Cor. Fort and Allen Sts. Hollister & Co. Agents.

HOOLULU IRON WORKS CO.—Agents for New England Mutual Life Insurance Co. of Boston.

Agents for New England Mutual Life Insurance Co. of Boston.

Agents for New England Mutual Life Insurance Co. of Boston.

EXPENSE BILL BLOCKED BY OBJECTION TO MILITARY AND RAILROAD SUBSIDY

By a vote of seven to seven the conference committee of the Legislature yesterday laid aside the military appropriations for consideration at another meeting. The vote came on the motion of Emmeluth to strike out all the items for that branch, which had been inserted by the Senate. The total of the appropriations is \$31,250, but there was never an attempt to pass upon the various items of that total. Chairman Baldwin announced as the clerk read the item, that he was in favor of the military appropriations, but that he would move to cut down the amount which is set aside for incidentals, \$2,000. He had no chance to do this, however, as the motion to strike out came with a rush. It was seconded by Monsarrat, and the vote showed a tie, every member of the committee voting. Those who favored the striking out of all the appropriations were Emmeluth, Monsarrat, Nakapahu, Beckley, Makana, Puuki and Kalauokalani.

There were enough interesting matters in the session to make up for the many dry and stale meetings of committee. There were fierce struggles for money and many hearty laughs at the efforts of the district representatives to get all they could for their sections. One of the hardest-fought battles was a draw, as the committee adjourned in the midst of it. It was on the amendment of the Senate, which inserted in the bill the provision for the payment of the subsidy for the Oahu Railroad. This is the closing item of the bill, and had it gone through there would have remained for today's discussions only the matters of the military establishment.

When the subsidy came up the matter was presented by Senator C. Brown. He said that this was not in his opinion a thing which should give rise to much discussion, as it was the carrying out of a contract entered into by the government and the railroad. The road had been built with the promise of the government, expressed by a legislative enactment, that a subsidy of \$700 a mile would be paid, and without that there would have been no road, and as well none of the large enterprises which have sprung up along its line, for the prime mover in all of them was the same man who started the railroad project. The question, he said, was simply whether or not there should be a repudiation by this Legislature of a contract which was entered into with good faith on the part of the government and the railroad promoters.

There were several questions as to the fact that the road had been built with this promise of support, and then Representative Makana said that he thought there was no question but that the railroad was entitled to the money, as the contract was a binding one. He called attention to the number of plantations which had been brought into existence along its line by the presence of the railroad, and the amount of taxes that they paid into the government treasury, and said that this alone showed the good judgment displayed in aiding the building of such a line.

This brought out Emmeluth with a

characteristic speech. The Representative said that he had not expected to speak on the subject, as the matter did not seem to him to be one on which there could be any two opinions, if the members of the Legislature would look into the case. He said the statement of Makana concerning the taxes paid by the enterprises along the road, should not be considered until one looked at the rates paid by them and the people along the route. That difference, he said, would more than make up the amount of the taxes. He had, he said, evidence that poor people along the road were compelled to pay larger freight rates than corporations. One instance he cited was a rate of 80 cents on a case of oil to Kahuku, while the rate for the plantations was \$2.50 a ton for ordinary merchandise. He went on to say that the taxation rates paid were not equal to the "blood money" wrung from the people. He protested, he said, against the payment of a subsidy to a line which through the privileges given by the government had been able to double its own capital by a stock dividend. This matter, he insisted, was one for the courts, and should it be submitted to a competent tribunal, he was confident that it would not stand.

He said he had submitted the case to an attorney, and had been advised that there was no standing in law for it. There was a hot colloquy between Emmeluth and Makana, the latter asking if it was true that there was an agreement in the form of an act of the Legislature, and when Emmeluth admitted that there was, Makana said that it was simply a matter of keeping faith with the corporation.

Beckley said that he was opposed to the further payment of the subsidy, as he thought that the organic act did not make it necessary, and that the laws of the United States would not recognize it. This, he said, was the first Legislature which came direct from the people and represented them, and there should not be anything done which was not in accord with the ideas of the legislators.

Emmeluth said that the new conditions would not admit of the payment of the subsidy. Senator C. Brown asked if he thought that the organic act would permit the repudiation of private contracts, and he said not, but that there was no doubt but that the present case was one which would not come under that category. It was in the midst of this controversy that the committee adjourned, to meet again at 9:30 o'clock this morning.

During the afternoon session, while schoolhouses were being considered, the Porto Ricans came into evidence for the first time. Representative Puuki said that the new schoolhouses which were asked for Kauai were needed, as there would be an influx of the children of the Porto Ricans who are being brought here at this time.

Two items which aroused some discussion, but more after comment in asides, were those for the expenses of field parties and office work in the survey department, \$48,000, and the item of \$35,000 for the steamer for the health department to use in the Molokai run. When the first was passed after a rising vote being necessary, Emmeluth and Monsarrat declared that it was simply robbing the government, and the latter brought out many shouts of disapproval from some of the Republican members. There were humorous remarks flung at the proposition, and

Monsarrat moved first that the name of C. H. Dickey be attached to the ship, and when some one said that it would be a bird of a ship for the sum appropriated, he remarked, "Yes; a Dickey bird."

When the committee met yesterday morning the first thing taken up was the items of roads, Molokai. Those passed were: Roads and bridges, \$2,000; road, Kaise to Puiohoku, \$5,000; Peleku to Wailau, \$1,000; new road, Puiohoku to Halawa, \$6,000; road repair, from Kalawao to Lehnapapio Point, \$1,000.

The original item for Lanai was passed, for the roads of the Island, \$1,000. The Senate had raised the amount to \$3,100, but the majority was the other way.

There was little discussion on the items of the roads for this Island. The first points were the passage of the general items of \$160,000 for the Fourth District, including Nuuanu avenue, and of \$140,000 for the Fifth District. Other items which went through were: Extension of Fort street, \$20,000; extension of School street, \$60,000; extension of Vineyard street, \$20,000; extension of Kukui street, \$20,000; extension of Judd street, \$5,000; extension of Kuakine street, \$10,000; macadamizing Iwilei, \$10,000; South street, Kakaako, \$5,000; Niolopao road, \$1,800; Kunawai lane, \$500; widening and macadamizing Kunawai lane, \$500; road west side, Kapolei Park, \$500; repair Punchbowl road, \$3,000; road east side Kalihi valley, \$15,000; repair government road up Tantalus, \$3,000; widening Paaua road, \$10,000; Waialua, \$20,000; roads and bridges, Waiamae, \$4,000; Puuiloa road from Moanalua road to Puuiloa village, \$5,000; bridge at Kohalele Kulaupoko, \$3,000; breakwater, Kaala, \$2,000; Kulaupoko, \$3,000; Koolau-poko, \$10,000; Koolau-poko, \$10,000.

There was unanimity also on the subject of Kauai roads, in almost every instance the amount decided upon being the larger of the two. The items as they were passed, were as follows: Bridge at Wainaha river, \$4,000; bridge at Lumaha river, \$6,000; bridge at Waiau, \$4,500; bridge at Kalihiwai, \$10,000; bridge at Waimea, \$8,000; road, Kikilua, Hanalei-uka to Haena, \$3,500; Haena to Kalalau, \$600; Kikilua to Kalihiwai, \$2,000; Kalihiwai to boundary of Kauai-hau, \$3,000; Kaohe to Molokai, \$3,000; Keala-a-Kaole to boundary of Lihue, \$8,000; roads and bridges, Lihue, \$15,000; roads, Koloa to Eleele, \$2,500; Kahoeha to Lawai, \$1,200; Kaeoehia to Mahinauli, \$5,000; Mahinauli to Waimea, Mana, \$8,000; main road to Kikila, \$6,000; road from main road along river side, \$1,000; embankment, Waimea river, \$10,000.

This brought the consideration down to the general items of the bill. That which aroused some discussion was for a jail at Holualoa-uka, but this was knocked out as the jail at Kalihi was considered sufficient. The items under this head which went through were: Jailer's cottage for North Kona, \$600; roads Nihau, \$200; house for road roller, North Kohala, \$500; court house, jail, jailor's cottage and water tanks, Keala-uka or Hookena, \$3,400; court house and jail, East Kau, \$1,500; repairs court house and jail, Waiohine, \$500; court house and jail, Kalihi, \$7,500; wharf shed, Hookena, \$500; repairs Lahaina court house, fence and roller shed, \$2,000; wharf shed Hoo-pula, \$300.

There were several points under the Department of Public Instruction which made texts for discussion. One was the

for the product were famine prices, and the contract would make a cost to the Board of \$500 a week. He thought the Board should act carefully in the matter and not get tied up with a bad contract. It was stated also that Mr. Ma-goon, representing the Chinese who took the contract a few weeks since, would not agree to deliver the palat at the Settlement. Upon motion the entire matter was laid on the table, where it will probably die an official death, as it is proposed to make no attempt to carry out the contract.

A letter was received from Kauai relative to the closing up of the Lihue hospital. The writer said that the buildings should be kept from going to ruin, and proposed that a family should move in, whose duty it would be to keep the buildings in a state of preservation. The matter was referred to the executive officer.

The first Jewish wedding that ever occurred in the Hawaiian Islands was performed yesterday by the Rabbi Levy of the Geary street temple, San Francisco. The two young people who were made husband and wife were Mr. Gus Schneider, the Hawaiian agent for Brown Brothers of San Francisco, and Miss Millie Stearns of that city. The wedding ceremony was performed at the residence of Mr. and Mrs. Stearns on Alakea street. The ceremony was most impressive. Miss Label and Mr. Frederick Stearns stood up with the bride and groom. The young couple go to Haleiwa.

A MURDERER BREAKS JAIL

Fujihara, the convicted Japanese murderer, who has been saved from the death penalty on three occasions, has stayed the execution of his sentence by escaping from Hilo jail. Sheriff Andrews of Hawaii sent the following wireless telegram to High Sheriff Brown yesterday forenoon:

"Send by next steamer photograph. Fujihara escaped."

There was no intimation of the time or day when Fujihara got out, but it is presumed that he was missed yesterday morning.

The High Sheriff has no photograph of the murderer.

"We have not been in the habit of taking photographs of men who are to be executed," said the High Sheriff. "Once convicted and sentenced to the death penalty, that is presumed to be the end of them. That a man like that might escape is, of course, possible, but it is taken for granted that he is so guarded that he will not escape. I presume Sheriff Andrews has already offered a reward for Fujihara. If he gets into the mountains it may be a long time before he is caught."

Fujihara has features which, once seen, are not easily forgotten. He could be picked out from among a thousand Japanese. His complexion is very light, and his countenance is pleasing. His chest is thrown outward to a marked degree and he holds his head erect upon his shoulders. He is muscular and in walking has the appearance of a well-trained soldier.

The man was waiting in Hilo jail for the Governor to set the day of his execution. The case was recently remanded from the Supreme Court to re-sentence the prisoner. Judge Little did so. The High Sheriff is unaware of the manner in which Fujihara made his escape.

"Or an umbrella," commented Mr. Mott-Smith.

The request was denied.

The old question of securing a supply of paiai for the Leper Settlement was again brought up. The executive officer stated that the best way was to drop the matter. The Settlement was now receiving a fair supply.

Mr. Dole said he was opposed to a long term of contract for supplying paiai, especially when the prices now asked

tacked, and there is, of course, the danger that Honokaa will suffer also from the fire. The fire is considered the most dangerous in many years.

Jewish Wedding.

The first Jewish wedding that ever occurred in the Hawaiian Islands was performed yesterday by the Rabbi Levy of the Geary street temple, San Francisco. The two young people who were made husband and wife were Mr. Gus Schneider, the Hawaiian agent for Brown Brothers of San Francisco, and Miss Millie Stearns of that city. The wedding ceremony was performed at the residence of Mr. and Mrs. Stearns on Alakea street. The ceremony was most impressive. Miss Label and Mr. Frederick Stearns stood up with the bride and groom. The young couple go to Haleiwa.

OFF TO SEE THE M'BRYDE ESTATE

There was a hurrying of hacks and buggies to the Inter-Island wharf last evening shortly before 5 o'clock. The vehicles contained some of the heavy-weights of the local financial world, stock brokers and others more or less interested in McBryde Plantation. A little after five the chartered steamer Mikahala left for Eleele, Kauai, where the aggregation of shareholders will be disembarked, whence they will proceed to McBryde plantation to inspect the condition of the properties. The return will be made on Sunday morning. There was plenty to eat on board and other refreshments, so that the trip across the channel will not be devoid of epicurean pleasure, even if mal-de-mer does set in on the crowd.

Among those representing the Honolulu Stock and Bond Exchange on the junket are Charles J. Falk, Harry Armitage, A. J. Campbell, J. R. Galt, Fred Lewis, Robert Shingle, J. H. Fisher; others interested or owning stock in the plantation who availed themselves of the invitation were W. G. Cooper, of the First National Bank; F. M. Hatch, Alexander Young, W. R. Graham, A. W. Van Valkenburgh, Clifford Kimball, Isaac Dillingham, George W. Potter, John F. Colburn, George Robertson, manager of Brewer & Co.; M. N. O'Shaughnessy of San Francisco. Ed. Politz was unable to go on account of pressure of business in Honolulu. Four representatives also went.

Boyd Will Not Borrow.

Superintendent J. H. Boyd of the Department of Public Works has positively refused to borrow money for the completion of the sewer outfit. It will require some \$10,000 or \$12,000 to finish the work, and this sum cannot be had from the public Treasury at this time.

He can secure the amount necessary if he will stand good for the amount himself, but this he does not care to do, as the amount is required for a public im-

provement and is not in any way, shape or manner one in which he is interested.

LIFE.

What is life? A mad race with time. In cold, in hot, in any climate. The cards, that do infest the day. From morn till dewy eve hold sway. We rise, we rush, we lay us down. To fitful slumber till the morn. So, till life's endless toll doth cease. And the weary brain find sweet release. We hurry on. Then, name forgot— Last resting place—an unknown spot.

T. MCANTS STEWART.

In such a case as this 'tis well To rest the liver for a spell. Editor Advertiser.

Boiling Hot Water In Four Minutes.

What a convenience in case of sickness. This can be accomplished on the

Primus Blue Flame Stove.

You can serve coffee, toast and eggs in six minutes by using a Primus Blue Flame Stove. This stove is perfectly safe, easy to operate and economical in the use of fuel.

It Burns Kerosene Oil. The Price is \$4.25.

For camping, for yachting or for the household this stove has not been excelled. You can see some of them in operation in our front display window.

W.W. Dimond & Co. LIMITED.

IMPORTERS OF
GLASS, CROCKERY
and
HOUSEFURNISHING
UTENSILS.

D Will Keep Your Premises, Stables and Outhouses S CLEAN And PURE And in Good Condition.

One Pint will make a
Bucket of the best dis-
infecting

INFECT C Medium Price 25c per Pint.

Put up in gallon, 5
gallon and barrel con-
tainers.

Hollister Drug Co. Fort Street.

JUDGE LITTLE IS REVERSED Supreme Court Finds Charge Prejudiced.

NEWSPAPERS AS CRITICS

A Dissenting Opinion is Filed by Justice Galbraith—New Trial is Ordered.

Judge Little of Hilo was reversed in a decision yesterday morning by the Supreme Court. The case was that of Henry J. Lyman against the Hilo Tribune Publishing Company, and was appealed from the Fourth Circuit Court, over which Judge Little presides. The higher court ordered a new trial on account of prejudicial errors in the lower court's instruction to the jury.

The action under question was brought in the month of December, 1900, regarding an article that appeared in the Tribune some time previous, in which the police department of Hawaii was criticised because of their methods in suppressing the opium and liquor business in Puna. The jury found for defendants. The higher tribunal, in its decision, took occasion to comment upon the right of newspapers to discuss the actions of public officials and points out a number of glaring errors in the decision of the Hilo magistrate.

The following is the opinion of Judges Frear and Perry:

This is an action of libel wherein the plaintiff claims damages for the publication by the defendant in its weekly newspaper, The Hilo Tribune, on December 1, 1900, of the following alleged libellous words: "Sons of the Deputy Sheriff of the Island and of the Captain of the Police for Puna between, them control the unlicensed dope and liquor business of the Pahoeoh district. While they occasionally appear to be discharging their duties by jumping some individual who endeavors to do business outside the combine, or in case such a one is lacking they inveigle some perfectly innocent individual into giving them a drink and seize the proffered bottle as evidence upon which to base a false charge and conviction unsupported by other evidence."

Plaintiff is a son of the Deputy Sheriff referred to. After trial before a jury, a verdict was rendered for the defendant.

The case comes to this Court on a number of exceptions raising questions of the admissibility of evidence, of the correctness of certain instructions requested by the parties, and as to whether the verdict is supported by the evidence.

Exception 15. Plaintiff requested the court to instruct the jury as follows, and the request was refused: "I further instruct you that there is no evidence in this case which will warrant you finding that the defendant was justified in publishing the article in question, or that the facts published by the defendant are true. The only purpose for which you can consider the evidence of witnesses who testify that the plaintiff is reported to be guilty of the offense charged is to mitigate the damages and rebut the presumption of malice." After an examination of the transcript of the notes of evidence, we are of the opinion that there was no evidence from which the jury could have found that the words published were true or that the publication falls within one of the classes of privileged communications. The evidence adduced concerning the plaintiff's reputation and of reports or rumors that he was engaged in illicit dealings in liquor and opium, would not support a finding of the truth of the words and was incompetent and inadmissible as proof on that question, whether admissible or not for other purposes.

The Court below in its charge to the jury evidently proceeded on the theory that the jury might properly find that the publication in question was privileged and that the action could not be maintained without proof of actual malice; and much evidence was admitted as tending to throw light on the question of malice. The jury was, under the instructions of the court, at liberty to find that the publication was privileged, and accordingly in the absence of actual malice, to render a verdict for the defendant. While much freedom is now permitted to newspapers in the criticism of the acts of public officers as such, and it is under this class, apparently, that defendant claims privilege in this case at bar—the publishers may not, with impunity charge such an officer with the commission of an offense. They possess no right to immunity from liability not belonging to any other citizen.

Case II. Am. & Eng. Encycl. Law, 419. Hammon v. East M. N. Y., 116. Upton v. H. H. M. L. B. A., 493; Root v. King, 7 Coosa, 51. The case before us is not one of a privileged communication. The giving of the instructions on this subject, was, it is true, not excepted to, but the exception was under consideration necessarily by reason of the same question.

The instructions given were inconsistent with that requested by the plaintiff and decided on an erroneous view of the plaintiff's request, though perhaps the second portion, somewhat more so to the defendant than it should be, was otherwise in accordance with law and should have been given.

Times Publishing Co. v. Carlisle, 11. The refusal was clearly in the plaintiff's favor.

The plaintiff requested the court to instruct the jury as follows: "I instruct you, gentlemen of the jury, to print and publish, concerning that he has sold opium or dope for sale per se, and if you find from the evidence that the defendant printed and published, concerning the plaintiff, that he had thus sold spirituous liquor or opium, you must give a verdict for the plaintiff, unless you also find that the charge is true." This instruction was first given and then subsequently withdrawn. The court, in withdrawing it, said: "Well, that instruction ought not to have been given. There is

nothing in the transaction that he sold it." The record shows that the trial judge, in passing on the bill of exceptions, explained that these remarks were not addressed to the jury and should not be considered as a part of the charge. The statements, however, were made in the presence and hearing of the jury. They were comments upon a question of fact which it was in the province of the jury alone to determine, to wit, what was the meaning of the alleged libellous words. See 12 Am. & Encycl. Law, 379; Odgers, Libel & Slander, 83; Newell, Defamation, Slander & Libel, 290. The jury may well have placed great weight upon and been influenced by the construction given by the court to the language; and if it was so influenced, it must have been to plaintiff's detriment, for the judge's construction was adverse to plaintiff's case. The alleged libellous words were at least capable of the construction contented for by the plaintiff, and the question should have been submitted to the jury without any indication of the judge's views in the matter. See Sec. 1, Chap. 56, Laws of 1892.

We regard Exhibit 10A, the stenographer's transcript of the notes of proceedings had in the settlement of Exception 14, as being properly before us as a part of the bill of exceptions, for the reason that the trial judge himself, by an endorsement on the original bill, makes

exhibit a part thereof.

Whether or not, at the date of the publication referred to, it was an offense in this Territory to have in possession or to sell opium, and whether or not it was libellous per se at that time to charge one with such possession or sale, are questions which were not argued before us. No opinion is expressed thereon.

The court, although it refused plaintiff's request Number 1, nevertheless charged the jury that, "it is libellous per se to charge in a printed publication a person with an offense of selling opium, the offense being punishable by imprisonment at hard labor, and its commission involving moral turpitude and subjects the offender to social degradation." To this instruction no exception was taken.

Exceptions 15 and 16. J. R. Wilson, a witness for the defendant, was asked in direct examination: "Do you know his (the plaintiff's) general reputation in the community where he lives with reference to his controlling in any part or manner the opium business?" to which the answer was: "Well, I don't know, there is only one way in which I can answer that question. On several occasions these Chinamen have come to me to get opium and said it was for Henry Lyman." An objection to the question and a notice to strike out the answer and have the jury instructed to disregard it, were both overruled. The answer was clearly inadmissible as evidence either of general reputation or of the truth of the words published, or on any other theory. Specific acts may not be shown to prove reputation, and as evidence of the truth of the charge the statements made to the witness were hearsay.

By reason of these prejudicial errors, plaintiff is entitled to a new trial. The other exceptions need not be considered.

W. F. FRAZER,
A. PERRY.

Smith & Parsons for Plaintiff; Wise & Nickels for defendant.

Judge Galbraith holds an opposing opinion which is filed with the decision. He states that the real question of law presented in the case is that whether the publication was libellous per se, remains undetermined.

I am not able to agree with the opinion of the majority of the court in this case. One reason for this is that I have a settled conviction that it is more important to declare the law of a case than to announce that the trial judge has committed error.

The plaintiff prepared his cause and tried it in the court below on the theory that the publication was libellous per se. He neither alleged nor proved special damages. The defense maintained that the charges made in the publication were true, and also that the publication was privileged.

The opinion concludes that there was no evidence before the jury from which it could have found that the charges were true and that the publication was not privileged, but refused to express an opinion on the vital question in the case, i.e., whether or not the publication was libellous per se, although the court below instructed the jury that it was.

If the plaintiff's theory of the law of the case is not correct his exceptions should be overruled. If the publication is not libellous per se damages are not presumed but must be alleged and proved. There was no proof of actual damages and judgment in his favor could not be maintained under any other view of the law than that maintained by the plaintiff. If there was a failure of proof on the part of the plaintiff he was not prejudiced by any of the alleged errors and has no just cause to complain. So it seems to me that the court should have determined and announced the law of this case, i.e., whether or not the publication was libellous per se was correct.

The opinion determines that the trial court erred in refusing to instruct the jury that there was no evidence from which it could find that the alleged libellous words were true and that the court again erred in admitting and refusing to strike out the testimony of J. R. Wilson from which the jury might have found that the plaintiff was engaged in the business of "handing dope." I am inclined to agree with the majority that the testimony of Wilson was improperly admitted and should have been struck out, but it was before the jury when the instruction was asked and while it was there the refusal to give the instruction was not error. The court below erred in one of these instances but clearly did not err in both of them.

Again the opinion proceeds: "The court below in its charge to the jury evidently proceeded on the theory that the jury might properly find that the publication in question was privileged and that the action could not be maintained without proof of actual malice," and this conclusion is announced in the face of the foregoing words found in the charge of the court below to the jury, to wit, "You must bear in mind that editors and publishers of newspapers are not privileged to publish libel in the dissemination of news, but are liable for libellous publications like other persons without proof of express malice or actual ill will against the person libeled." I submit that this instruction is good law and is fully sustained by the leading case of Times Pub. Co. v. Carlisle, 84 Fed. 752, and does not warrant the conclusion above quoted from the majority of the court.

It thus appears to me that the real question of law presented by the record in this case remains unsettled and undetermined by the opinion.

C. A. GALBRAITH.

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DOINGS OF THE COURTS

Will of Late Paul Neumann Filed.

The petition asking for the probating of the will and the issuance of letters of administration to Elise S. V. Neumann, widow of the late Paul Neumann, was filed with the clerk of the First Circuit Court yesterday. The date for the hearing of the matter was set for August 18th by Judge Gear.

The estate consists of the following property: An undivided half interest in a lot on Liliuokalani street. An undivided half interest in a lot on Lunalilo street. A lot on the Island of Molokai. The personal property is as follows: 500 shares of Hawaiian Tramway Co., Ltd., 30 shares of Oahu Sugar Co., 100 shares of Maunaeha Sugar Co.

The will was made in 1888. It is witnessed by W. Austin Whiting and F. S. Pratt. At the time the will was made the deceased was 45 years old. The will is as follows:

"I, Paul Neumann, a resident of Honolulu, H. I., make this, my last will and testament, revoking all other wills by me made, which may be extant and uncancelled.

"I give and bequeath all my property to my wife, Elise S. V. Neumann. "I make no provision for any of my children, deeming it sufficient that upon commanding them to her maternal care and affection, she will attend to their temporal welfare.

"I direct that my wife shall have absolute control and power over all the property thus bequeathed with untrammeled and uncontrolled power of disposal, and that she shall not be required to give any bond or undertaking whatever, to carry out her trust as executor, or in the course of administration of my estate. I nominate my wife Elise S. V. Neumann the executrix of this will. The heirs named in the petition are the widow, Eva M. C. W. Fowler, daughter, residing in London, England; Mrs. S. J. Hasson, daughter of Honolulu; Anita A. Focke, daughter of Honolulu; Paul E. Neumann, son, of Edinburgh, Scotland; William E. F. Neumann, of Annapolis, Maryland; Lillie L. K. Neumann, of Goritz, Germany.

INCORPORATION PAPERS FILED.

The Kohala Club and Transportation Company has filed articles of incorporation with the Territorial Treasurer.

The company, which is composed of H. R. Bryant, E. E. Olding, W. P. McDougal, F. C. Parlow and B. P. Bond, intends to open a general hotel, livery and transportation business at Oahuana, Kohala. The capital stock of the company is \$15,000, of which 10 per cent has been paid in. It is the plan of the incorporators to issue as soon as their business warrants it, to raise the capital stock to \$100,000.

The Sandwich Island Honey Company, which was originally incorporated in 1898, have asked that a second set of incorporation papers be issued to them, as they fear that under the articles first granted there might be some doubt as to their legal existence, as the papers do not comply with the law, as set down.

The incorporators of the company are Oswald St. John Gilbert, Lee St. John Gilbert, A. C. Dowsett, W. H. Pain and M. W. Gilbert, all of the Island of Oahu and the city of Honolulu. Their object is the raising and producing of bees. The capital stock of the incorporation is \$60,000.

Land Commissioner Boyd will return today from the other side of the Island.

The entire day was spent yesterday in the case of Kapiolani vs. Cleghorn, in examining the defendant.

In the civil action of Kukakoulan vs. J. A. Magoon et al., an answer has been filed, denying the charges and claims made by the petitioner. The action has been brought to declare a debt as a mortgage and to cancel a mortgage.

BUCKEYES ENTERTAIN.

They Hold an Enjoyable Meeting
With Mrs. Walter Weedon,

At the residence of Mr. and Mrs. Walter Weedon, 1717 Bingham avenue, last evening, the Buckeyes held a meeting, which was one of the pleasantest social events that has ever been held in Honolulu, so the Ohioans say who were present. The grounds were tastefully decorated, and dainty refreshments were served by the hostess.

The following were among those present:

"Be it resolved by the Senate and the House of Representatives concurring of the Territory of Hawaii.

"That whereas the coffee industry, which at one time promised to be a leading industry, is now in a depressed condition, and threatened to be abandoned, on account of the low prices, and the removal of the protective duty of seven cents per pound on all coffee imported into the Republic of Hawaii before annexation; and the large amounts imported into the United States free of duty from Brazil, Mexico, Central America and other countries.

"That whereas this Territory possesses a large area of land suited to the cultivation of coffee, and a large amount of American capital is now invested in the industry, and upon which a large farming class have depended for a livelihood, but cannot compete with the low prices, where cheap labor is employed as in the countries above mentioned.

"We therefore pray, that the Congress of the United States, do impose a duty on all coffee imported from other countries, and in this way, protect this industry in Hawaii and other parts of the United States.

"Be it resolved, That the Governor of this Territory is hereby requested to transmit certified copies of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives with the request that this resolution be laid before the Congress of the United States.

"J. D. PARIS,
Senator First District, Territory of Hawaii.

"Senate Chamber, Territory of Hawaii, July, 1901."

The Senator made a speech in which he pointed out the deplorable condition of the coffee industry and said that the only thing to build it up again was the duly mentioned protection.

Mr. Achl amended to have one copy sent to Delegate Wilcox.

The resolution thereupon passed.

"over has been good," said Traill yesterday, "and those who have died were either very old people or very young, whose physical condition was not strong enough to enable them to recover from the starvation they had undergone in Porto Rico. They have given satisfaction to the planters, except in one or two instances where misunderstandings have arisen because of Portuguese interpreters. Of course there are a few bad characters among them, as there are in all races, but the proportion is very small. They are very susceptible to kindness and the girls make the best house servants. They are faithful and willing workers. I shall return with another lot in about sixty days, and can place all who care to go. We take whole families, and in this way no ties are broken, for the communities are simply transplanted to a land similar in most respects to the one from which they have been taken."—Chronicle.

A Tunnel Caves in.

BALTIMORE, June 29.—The Pennsylvania Railroad tunnel running through this city caved in shortly before 2 o'clock this morning. The Philadelphia,

WITH LAW AND FACTS

Prendergast's Plan
to Make Journal
Readable.

CONSTITUTION AND THE ORGANIC ACT

INCORPORATION WITH RECORDS DE- SIRED—MONEY GONE BUT SALARIES FILED ON IN ADVANCE.

The First Legislature of the Territory of Hawaii may die with the week. Again, there may be a prolongation of the session into next week, but with the rapid progress upon the Appropriation bill there seems no reason to believe there will be any longer time spent upon the consideration of the budget. Both Houses will come together next Friday afternoon at 2 o'clock. By that time the salaries measure will be ready for submission. It has been enrolled and is in shape for the last stages of consideration.

The sessions of the two Houses yesterday were brief, but in the lower branch there was some point. This was disclosed in the statement that the Legislature is once more "broke." This is not actually the case, but the Treasury office has accepted the notice of some of the officers of the Houses that they are coming with warrants, and has marked those amounts as "gone." This means that there will be no chance for extravagances during the few days. In fact, the lack of the available coin was brought out by a proposition to add to the bill for the printing of the journal of the House. This plan also developed a desire on the part of Prendergast to give to the readers of the journal a liberal education in the law of the land in so far as it may be gained from the Constitution.

When the House was called to order and the routine business had been got out of the way, Prendergast, who is chairman of the Printing Committee, introduced a resolution providing for the incorporation of the Constitution of the United States and the Organic Law of this Territory with the journal of the House when the latter is printed for distribution. There was some merriment aroused by the resolution and there were various suggestions as to other documents which might be instructive and uplifting if they were put into the volume. Representative Dickey failed to catch the purport of the motion at first and seconded it, believing that it meant that the two documents were to be made a part of the volume which is to contain the session laws of the Legislature. When he "got wise" he withdrew his second and the resolution was tabled never to rise again.

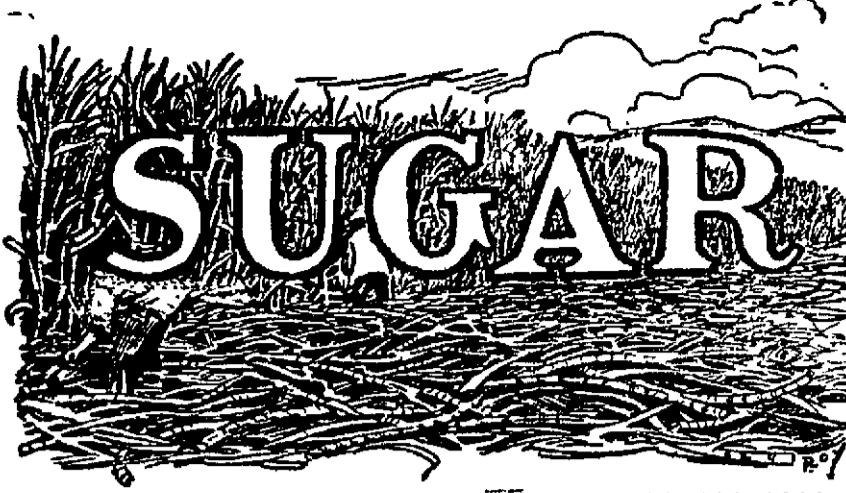
In explaining what was to be done, Prendergast said that arrangements had been made for the printing of the journal, the price to be paid being \$2.50. If there was any more money left of the expense appropriation he thought that it could be used for no better purpose than to print the basic law of the nation and Territory with the journal. The legislator indicated that he expects that the volume which is to contain the words of wisdom dropped by the lawmakers will find many readers, for he explained that he wanted the two documents included, for the reason that frequent reference was made to them in the debates and it would be a hardship for the reader to have to give up his reading every time he came to such reference and go to a library to see what the speaker meant.

It did not take long for the information to reach Prendergast and the House that there was no money for the purpose. Dickey was up at once with a query as to what had become of the appropriation before the end of the session had been reached. There were more salaries to be paid, he said, and then again came the information that there had been the quiet tip given by the officials of the Legislature that they were coming with their pay accounts, and this had been accepted as a mortgag upon the balance, and so had removed it. Beckley said that the cash balance was a dissolving view and that any charge for extra printing would have to go over to the next session of a Legislature.

Despite the glowing picture of the thrilling interest of the volume and the breaking of the thread of the story for the purpose of looking up references, the House would not take kindly to the plan, and on motion of Mahoe put a "ross" upon Prendergast's motion. Then the House adjourned until Friday.

THE SENATE.

The second item of interest in the proceedings of the Senate, which occupied but a small part of the morning, was the testimonial to the good work done by the clerk, by Senator Baldwin. It came upon the report of the special committee which had for its duty the examination of the journal and the certification of its correctness on the motion made some weeks ago when there was an intimation that the clerk had been "editing" the journal. The report was presented and explained by Senator Baldwin. He said that despite the "act" that Chairman Kaaihi had not been fit to make the report of the committee, it was due to the clerk that the true state of things be set forth. He continued that the committee had examined into everything and found that there was nothing out of shape, but on



STATISTICS BY SPECIAL CABLES.

Cuba—The six principal ports—Receipts, 2,500; exports, 8,300; stock, 152,600 tons, against 57,822 tons last year. Centrals grinding 3 against 2 last year.

Europe—Stocks in Europe, 1,312,000 tons, against 1,194,771 tons last year. Total stocks of Europe and America, 1,733,133 tons, against 1,412,159 tons last year at the same uneven dates, and 1,683,048 tons at the even date of June 1, 1900. The excess of stock is 320,974 tons, against an excess of 310,682 tons last week, and a deficiency of 88,983 tons December 27, 1900.

Raws—The same conditions prevail in the raw sugar market as for several weeks past. Liberal receipts and extreme dullness are the notable features without pressure to sell and without change in nominal quotations. Holders seem satisfied to wait events, and in the meantime store their sugars when not salable at market quotations. Refiners are indifferent and occasional buyers at current prices for moderate amounts. Altogether the situation is one of midsummer dullness, with no effort at present on the part of any one to make it better or worse. European markets are without movements of any significance, and are also exceedingly dull. Cuban crop receipts fell off and the maximum of the result is not far away or very far from the 600,000 tons originally estimated by ourselves.

Refined—The absence of increased demand expected at this season of the year is the notable feature. The weather is fine and favorable for sugar consumption, but for some reason the demand keeps backward, and all efforts of refiners to stimulate it are without avail. There are no material changes in selling prices for the week, and if demand could be increased a better state of trade would be the immediate result. As it is, there are no special indications of any important change until the country comes to the front again with increased orders.

Receipts for the week were 44,678 tons, against 64,652 tons last week. Stock increased to 269,133 tons against 263,455 tons last week. Stocks in the United States and Cuba together are 421,133 tons against 217,388 tons at same time last year. There are increased amounts of Java crop shipment now afloat for August arrival, and some portion of these have not yet been disposed of.

FREE TRADE SOON WITH PORTO RICO.

A special session of the Porto Rico Legislature is called for July 4th, to take action on the question of abolishing all duties on merchandise coming into the United States from Porto Rico, and going into Porto Rico from the United States. It is thought that receipts of the island, independent of duties on imports, will be sufficient to meet expenditures of the government. The provision in the law of April 12, 1900, covering this question, follows: "And whenever the legislative assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Porto Rico, by this act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Porto Rico from the United States, or coming into the United States from Porto Rico, shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty; and in no event shall any duty be collected after the 1st day of March, 1902, on merchandise and articles going into Porto Rico from the United States, or coming into the United States from Porto Rico."

the contrary that the whole record was excellently kept. The utmost credit was due, he said, to the clerk for the condition of the journal and the shape in which he had kept everything of record. The report of the committee was presented as follows:

Your special committee appointed under a resolution introduced by Senator Kanaha, May 21st, beg leave to report.

Said resolution called for the appointment of a committee "to examine and see that the journal of the Senate of the regular session is correct and in due form for transmission to the President, the President of the Senate and the Speaker of the House of Representatives of the United States.

Your committee have examined the copy of the journal that was to be transmitted to Washington, compared it with the original, and found it to be absolutely correct, and in due form for transmission to Washington.

Respectfully submitted,

H. P. BALDWIN.
D. KALAUOKALANI.
JOHN T. BROWN.
J. D. PARIS.

On motion of Senator C. Brown the report was adopted.

Senator Achi began to express his objections to the method of naming the members of the Conference Committee, saying that there was no member of the Legislature from the Fifth District upon it, to watch over the interests of that portion of the Island. He was called to order as there was nothing before the House, and then, after the Paris resolution, adjournment was had until Friday.

SPEEDY PACERS COME TO TOWN

A large load of horses, consigned to Charles Bellina, arrived on the S. N. Castle yesterday. Included in the bunch are Billy S, a bay pacer, and Frank M, another bay pacer. Both these horses show promise of making race horses of class.

There are also in the lot three pacers that can go around 2:40 and a 3:00 class trotting mare. Besides these animals came three matched teams, a number of roadsters, a saddle horse or two and some mules.

Bellina lost one of his best horses, Topsy, a sorrel pacing mare by California Nutwood, on the trip. The animal succumbed to lung fever when entering Honolulu harbor. She had worked a mile in 2:20.

The S. N. Castle also brought a new team of bays for Sheriff Brown and a harness horse, the property of Captain Nielsen.

A number of polo ponies belonging to members of the Oahu Polo Club went to Maui on the Claudine yesterday. A match between the Maui and Oahu clubs will be played in the near future on the Valley Island.

The following is clipped from the Breeder and Sportman of June 22d:

Steamplough is the name given a big black pacing gelding that is creating a sensation at Honolulu. He recently came into the hands of C. H. Judd to train and it is said paced a couple of workout beats a few weeks thereafter in 2:21 and 2:16. His pedigree is not given by the Honolulu papers that devote a large space to his "wonderful speed." He was to have started in the races there June 11th, particulars of which will probably reach us by the next steamer.

Stephen Allen, trumpeter of Battery G, Third Artillery, was drowned in the bay of San Francisco, while, with a companion, he was rowing from Sausalito to Fort Mason. The boat was overturned while the two were changing places.

The Fourth of July celebration com-

mittee of Philadelphia, whose invitation of Minister Wu Ting Fang, as the orator of the occasion, caused some caustic comment, refused to withdraw the invitation.

The Oregon and Oriental Steamship Company is planning to establish a line of steamers to trade with the Orient through the Suez canal, as time will be saved by sending the merchandise by that route.

The Republicans of Ohio have completed their ticket, as follows: For governor, George K. Nash; lieutenant governor, Carl L. Nippert; supreme judge, J. L. Price; attorney general, John M. Sheets.

Justice Jerome, of New York, who was the foremost of the vice crusaders, has quit, as the committee of fifteen of Tammany would not follow up the work, and he says now the city will be a wild open one.

P. D. Cunningham, United States border commissioner, while on the Rio Grande river, was bitten by a water moccasin snake, and was four days in getting to medical attendance. He may not recover.

Charles L. Roller, the alleged forger, who was arrested in California and taken to Newark, to be tried on twelve indictments, has jumped his bonds, and his bondsmen have been called upon to forfeit \$10,000.

At a meeting of the Chinese-American Missionary Society at Philadelphia, protests were entered against Minister Wu Ting Fang speaking at the Fourth of July exercises. Minister Wu, however, spoke.

While police were investigating the suicide of H. S. Church, a Louisville grocer, they found the body of Mrs. Emily Stuart, who had only recently bought an interest in the former's store, in a closet, she having been choked to death.

Rev. Arthur Smith, the missionary and author, preaching at Tien-tsin on the anniversary of the relief of that city (June 24th), said he thoroughly agreed with Sir Robert Hart in the statement that unless there was a complete regeneration in China in a few years the country would be menaced by 20,000,000 Boxers. The Chinese would never forget that the Boxer movement was fully approved by the court.

WRECKED ON CHESTERFIELD REEF.

Nobody can tell the following story better than the writer tells it himself.

"In 1891," he says, "I first experienced the miseries of acute indigestion. I was obliged to knock off work and suffered agonies for two months. Then I felt slightly better and went back to my post at the North Brisbane Fire Brigade Station, and stayed there until the great flood in 1893.

"Then I had a terribly severe relapse which laid me down for ten months, seven weeks of it being spent in the hospital.

"Several doctors attended me, but they failed to effect a cure.

"Yet, at the end of ten months I felt somewhat better, and being of an energetic disposition, I started in to work again.

"I managed to keep at it for six months, and then collapsed completely and resigned my position in the brigade.

"On returning home several of my friends urged me to put faith in Seigel's Syrup, and in that only, saying they had known it to cure cases as bad as mine. 'Don't be down-hearted,' they said.

"On this I began using Seigel's Syrup (and Seigel's Pills occasionally) and gradually got better. When I had taken about twelve bottles in all, I was so much better I accepted a position as mate in a ship going to trade in the Islands—taking a supply of Syrup with me.

"We sailed on the 24th of October, 1894, and on the 8th we struck Chesterfield Reef, Long Island, and were wrecked, but all hands were saved. The captain and four blacks took to one of the boats, and reached Mackay in safety, whilst I and seven blacks landed on Long Island, where we remained thirty-two days, until we were rescued by the 'Pylades' man-of-war, and taken on to Sydney.

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"I must mention that I kept on using Seigel's Syrup until we got to Sydney and then I was quite restored to health and have been perfectly well ever since.

"My health is now splendid, my appetite is excellent, and all the bad symptoms I once had are gone like an ugly dream after morning breaks.

"My wife uses the medicine for a milder form of indigestion than mine, and is as firm a believer in it as I am.

"I will name a few of the peculiarities of the aggravating and dangerous disease as it affected me. There was always a bad taste in my mouth, my breath was bad, and I used to retch frequently after eating. I belched continually last flesh, and had thin intertia jaws."

"Scores of friends and acquaintances can testify to the truth of what I have said. It is certain that Mother Seigel's Syrup cured me when all other medicines and forms of treatment proved to be good, and I have to thank the Syrup only for the fact that I am now a strong healthy man. I have now been nearly three years in the employment of the Queensport Meat Company, but my home is at the address given below."

A. C. BACKMANN
Myrtle V. George street, Kangaroo Point, Brisbane, Q. September 6th, 1900.

Booked for Hilo and Way Ports.

All accommodations on Wilder's steamer Kinau, sailing tomorrow at noon for Hilo and way ports, are taken.

The following is a list of those who have engaged passage to the Big Island.

C. G. Spencer, R. S. Ogilvie, Mrs. F. Waterhouse, Mrs. Danford, Hon. W. B. Wallina and wife, Miss Mary Crete, Miss J. Taner, Clive Davies and wife, J. C. Ridgway, W. Booth, A. F. Judd and wife, J. T. Lee, Mr. A. Knudson and servant, W. H. Rock, F. J. Harde, W. H. Mixer, Mr. Allen Noy, Miss C. E. Bray, Mrs. J. Brown, Miss L. Horner, Miss J. Nawa, Mrs. T. Aoki, Mr. Cheung, Mr. J. Cummings, Mr. R. Stackable, Miss Julia Diaz, Miss E. Bendixen, Mrs. A. C. Steele, Master E. Kaochi, Hon. J. B. Kaochi, David Kock, Miss C. Mahina, Miss L. Mahina, Mrs. Koon, E. B. Turner and wife, Mrs. Miss Ellen Kalawa, Miss Nawa, Rev. S. Oliwa, Mrs. Gough, Miss A. Perry, J. H. Van Gleason and wife, Mrs. La. Thomson, B. J. Zabreckie and

BEAUTIFUL SKIN Soft White Hands Luxuriant Hair Produced by CUTICURA SOAP.

MILLIONS OF WOMEN USE CUTICURA SOAP exclusively for preserving, purifying, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the stopping of falling hair, for softening, whitening, and soothing red, rough, and sore hands, in the form of baths for annoying irritations and chafings, or too free or offensive perspiration, in the form of washes for ulcerative weaknesses, and for many antiseptic purposes which readily suggest themselves to women and especially mothers, and for all the purposes of the toilet, bath, and nursery. No amount of persuasion can induce those who have once used it to use any other, especially for preserving and purifying the skin, scalp, and hair of infants and children. CUTICURA SOAP combines delicate emollient properties derived from CUTICURA, the great skin cure, with the purest of cleansing ingredients, and the most refreshing of flower odors. No other medicated soap ever compounded is to be compared with it for preserving, purifying, and beautifying the skin, scalp, hair, and hands. No other foreign or domestic toilet soap, however expensive, is to be compared with it for all the purposes of the toilet, bath, and nursery. Thus it combines, in ONE SOAP at ONE PRICE, the FIRST skin and complexion soap, the BEST toilet and REST baly soap in the world.

Complete External and Internal Treatment for Every Humour.

Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales, CUTICURA OINTMENT, to instantly allay itching, inflammation, and irritation, and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. A SINGLE SET is often sufficient to cure the severest humours, with loss of hair, when all else fails. Sold throughout the world. "All about the Skin, Scalp, and Hair," post free, of AUST. DEPOT, R. TOWNS & CO., SYDNEY, N. S. W. SO. AFRICAN DEPOT, LENNOX LTD., CAPE TOWN. POTTER DRUG AND CHEM. CORP., Sole Prop., Boston, U. S. A.

OUR \$4.50 SHOES!

With heavy soles are just the right kind for rainy weather wear. You may pick from box calf or Russia calf shoes. These are in blacks and rusts. The shape is that full generous winter last which is protective as well as pleasing. We have all sizes and all widths.

MANUFACTURER SHOE COMPANY

HONOLULU

Brewing and Malting Comp'y, Ltd.

Primo Lager

HOME PRODUCTION

Draught and Bottled Beer Delivered on and after

MONDAY, JULY 1st, 1901

Island Orders Promptly Filled.

Pacific Mail Steamship Co.

Occidental & Oriental S.S. Co. and Toyo Kisen Kaisha.

ROYAL

Baking Powder

Makes the bread
more healthful.

Safeguards the food
against alum.

Adam baking powders are the greatest
contributors to health of the present day.

ROYAL BAKING POWDER CO., NEW YORK.

THE BANK of HAWAII LIMITED.

Condition at the close of business
June 29, 1901:

ASSETS.

Loans and discounts	\$1,064,403.55
Call loans and overdrafts	245,679.27
Bonds	275,565.00
Lease safe deposit building and office furniture	10,716.77
Other assets	530.00
Due from banks	66,057.29
Government warrants	975.93
Exchange on hand	2,103.30
Cash	582,280.83

\$2,193,301.65

LIABILITIES.

Capital	\$ 600,000.00
Reserve account	50,000.00
Undivided profits	142,728.74
Deposits	1,268,338.78
Due to other banks	131,515.13
Dividends unpaid	1,724.00

\$2,193,301.65

I, C. H. COOKE, Cashier, do solemnly
swear the above statement is true
to the best of my knowledge and be-
lieve.

C. H. COOKE, Cashier.
Examined and found correct:
J. A. McCANDLESS,
CHAS. H. ATHERTON,
Directors.

GEO. R. CARTER, Auditor.
Subscribed and sworn to before me
this 30th day of July, A. D. 1901.
ROYAL D. MEAD,
Notary Public, First Judicial Dis-
trict.

MORTGAGEE'S NOTICE OF FORE- CLOSURE AND SALE.

In accordance with the provisions of
a certain mortgage made by George
Washington Smith and Elizabeth K.
Smith, his wife, of Honolulu, Island of
Oahu, to John Emmeluth, of said Honolulu,
dated the 28th day of July, 1900,
and recorded in the Hawaiian Registry of Conveyances in said Honolulu in
file 215, page 436;

Notice is hereby given that said
mortgagee intends to foreclose the said
mortgage for condition broken, to wit,
for non-payment of principal and in-
terest.

And also that after the expiration
of three consecutive weeks from the
date of this notice, the property con-
veyed by said mortgage will be sold
at public auction, at the auction rooms
of James F. Morgan, auctioneer, in said
Honolulu, on Saturday, the 27th day of
July, A. D. 1901, at 12 o'clock noon of
said day.

Dated Honolulu, T. H., July 3, 1901.
JOHN EMMELUTH,
Mortgagor.

The premises covered by said mort-
gage consist of
An undivided half interest in and
to the land described in Royal Patent
2883, L. C. A. 7364, to Kekaiwaehe, sit-
uate at Keauhou, North Kona, Island
of Hawaii, containing an area of 1.3
acres.

An undivided half interest in and
to the land described in Royal Patent
4497, L. C. A. 8559, Apans 2, to C. Ka-
neina, situate at Mananaiki, Ewa, Is-
land of Oahu, containing an area of
24-100 of an acre.

229—July 5, 12, 19.

IN THE CIRCUIT COURT, THIRD CIRCUIT OF THE TERRITORY OF HAWAII.

In the matter of the Estate of J. W.
K. Kaupoa, of Waimea, Hawaii,
deceased, Intestate. At Chambers,
in Probate.

The accounts of Henry Smith, ad-
ministrator of said estate, together
with a petition asking that said ac-
counts be examined and approved, and
for distribution and an order discharg-
ing him and his sureties from further
responsibility as such, having been pre-
sented to this court; notice is hereby
given that this court, notice is hereby

Wednesday, the 31st day of July, 1901,
at 12 o'clock a. m., in the courthouse
at Kaua, Hawaii, be and hereby is
appointed the time and place for hear-
ing said application and accounts, and
that all persons interested may then
and there appear and show cause if
any they have, why the same should
not be granted.

By the Court,
M. F. SCOTT, Clerk.
Kaua, Hawaii, June 17, 1901.
229—June 25, July 2, 9, 16.

NOTICE

ALL PERSONS ARE HEREBY
warned from trespassing on the lands
of the undersigned, situated in North
Kona, Island of Hawaii, and more par-
ticularly the lands known as Kauna-
iama, Waihala, Holualoa and Kaupuhi.

J. A. MAGUIRE,
Huehue, North Kona, Hawaii, June
1, 1901.
229—July 5, 12, 19.

NOTICE

IS HEREBY GIVEN THAT WAR
TEE has this day withdrawn from the
firm of Lin Sing Wai Company, doing
business as rice planters at Mokuleia,
Waihala, Oahu, and admitting Wong
Mow Leong, of said Mokuleia, as a
member of said firm. Lin Sing Wai
Company.

LIN SING WAI CO.
By L. A. KOW

Dated July 9, 1901.
229—July 5, 12, 19.

WHARF AND WAVE.

ARRIVED.

Tuesday, July 9.
P. M. S. S. Peru, Pillsbury, from Hong-
kong, June 18; Yokohama, June 29.
Am. bk. S. N. Castle, Hubbard, 11-12
days from San Francisco with general
merchandise.

Wednesday, July 10.

Am. bk. Irma Schmidt, ten and
one-half days from San Francisco.
Am. schr. Schone, Peterson, forty-
three days from Iquique with nitrates.

Am. bk. Rufus E. Wood, McLeod,

from Newcastle with coal.

Am. bk. St. James, Tapley, fifty-
three days from Newcastle; damaged
in a gale.

I. I. stmr. James Makee, Tullett,
from Kapaa.

I. I. stmr. Ke Au Hou, Mosher, from
Waimea.

I. I. stmr. Nneau, Wyman, from Koloa.

I. I. stmr. Kauai, Bruhn, from Makaw-
eili.

I. I. stmr. Waialeale, Flitz, from
Kukuihalea.

W. V. stmr. Kinan, Clarke, from Hilo.

W. V. stmr. Maui, Bennett, from Ha-
waii.

Thursday, July 11.

Schr. Concord, from sea.

DEPARTED.

Tuesday, July 9.
I. I. stmr. Iwahani, Greene, for Hon-
olulu.

I. I. stmr. W. G. Hall, Thompson, for
Nawiliwili, Koloa and Hanamaulu.

W. V. stmr. Claudine, Parker, for Lahai-
ma, Kahului and way ports.

W. V. stmr. Lehua, for Kaunakakai and
other ports.

W. V. stmr. Mokoli, for Lahaina.

Am. bk. W. H. Dimond, Hanson, for
San Francisco with sugar.

Wednesday, July 10.

P. M. S. S. Peru, Pillsbury, for San
Francisco.

P. M. S. S. Colon, Mackinnon, for
San Francisco.

W. V. stmr. Helene, Nicholson, for Ha-
waii.

I. I. stmr. Niihau, Thompson, for
Hanamaulu.

Thursday, July 11.

Am. sp. Governor Roble, Harrington,
for the Sound.

W. V. stmr. Kinan, Clarke, for Hilo and
way ports.

I. I. stmr. Mikahala, Gregory, for
Kauai.

W. V. stmr. Helene, Nicholson, for Ha-
waii way ports.

I. I. stmr. James Makee, Tullett, for
Kapaa.

MARRIED.

SELEMONS-BURDICK—In this city,
June 9th, 1901, at the residence of A.
B. Woods, Nuuanu avenue, Rev. G.
L. Pearson officiating, Harry Maxwell
Siemons to Miss Lura Lee Burdick,
of Sturgis, Mich.

Shipping Notes.

The bark St. James, which arrived on
Wednesday, having been dismasted in
a gale in southern waters, was for-
merly commanded by Captain Banfield,
of the freighter Hawaiian.

The ruling of Shipping Commissioner
Boyd, requiring the crew of the O. J.
Olsen to be paid off while the vessel
is lying in an open roadway, has ex-
cited considerable discussion among
skippers in this port. Once the crew
is paid off they leave the vessel, and
she is left lying unmanned in danger-
ous proximity to a reef upon which she
is liable to be wrecked in heavy
weather. The captain's claim is that a
vessel in an open roadway should be
exempt, and should be permitted to re-
turn to her crew.

The Little Island schooner Concord
sailed for Hamakua on Wednesday
afternoon with a heavy load on deck
and very little in her hold. The re-
sult was that after she had gone but a
little way beyond Koko Head she was
compelled to put back to port or run
the risk of being turned turtle. She
anchored off Waikiki on Wednesday
night, and came into the harbor yester-
day morning. She will have to take
a heavier load in her hold before she
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